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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Initial report submitted by the Niger under article 35 of the Convention, due in 2010*

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Introduction

1. The present report is submitted under article 35 of the Convention on the Rights of Persons with Disabilities, which stipulates that States parties must report to the Committee on the Rights of Persons with Disabilities on measures taken to give effect to the rights of persons with disabilities. The Niger ratified the Convention and the Optional Protocol thereto on 24 June 2008.

2. Pursuant to article 35 of the Convention, the Niger was due to submit its initial report on the implementation of this international legal instrument in June 2010, but it did not do so. The aim of this report is to make up for the delay in the Niger's dialogue with the Committee.

3. The report has been drafted in accordance with the guidelines on the treaty-specific document to be submitted under article 35 (1) of the Convention. It sets out the measures taken by the State between 2008 and 2010 to give effect to the rights and fundamental freedoms enshrined in the Convention. The statistics on regional activities provided in this report correspond to the period 2008-2010.

4. This report is the outcome of a participatory process involving consultations with the relevant partners (public authorities, development partners, civil society organizations and organizations of persons with disabilities) both during the data-collection process and at the report validation workshop.

5. The present report is composed of two parts. The first part contains general information on the legal and institutional framework for the protection of human rights. The second part contains specific information relating to each provision of the Convention. It covers both the general provisions and those concerning specific rights. It also deals with the situation of women and children with disabilities and the specific obligations assumed in their respect.

First part: common core document

I. General information about the country

A. Geographical characteristics

6. Located in the eastern part of West Africa, the Niger is a landlocked country with a surface area of 1,267,000 km^2. Two thirds of the national territory is in the Saharan zone.

7. The Niger is bordered by seven countries: Algeria and Libya in the north; Nigeria and Benin in the south; Chad in the east; and Mali and Burkina Faso in the west.

8. The hydrographical network consists of the River Niger, the Komadugu Yobe River, the Goulbin Maradi River, Lake Chad, Lake Madarounfa and Lake Guidimouni and numerous permanent and semi-permanent ponds. A number of factors, such as the declining flow rate of the River Niger and silting, place constraints on the development of irrigation and make it difficult to meet the water needs of people and livestock.

9. As a developing country, the Niger also faces many natural challenges that pose a threat to the environment. Human activity as well as climate change has brought about a deterioration in environmental resources. Sanitation facilities are poor: in 2012, 9 per cent of households had adequate facilities, including 34 per cent in urban areas and 4 per cent in rural areas, according to the Niger demographic and health survey and multiple indicator cluster survey. Sewage and rainwater disposal and household waste management are key areas of concern for the country.

10. Industrial waste is discharged into rivers, the soil and the air, polluting the environment and jeopardizing social well-being. This is the case in Arlit, Akokan, Agadez,

Niamey and many other towns. Energy poverty and the destruction of the biodiversity of fauna and flora have an adverse impact on the country's environment.

B. Demographic, social and cultural characteristics

11. The population of the Niger is estimated at 17.1 million inhabitants, according to the 2012 general population and housing census, and children under 18 years of age account for 56 per cent of the population, according to 2012 statistics from the United Nations Children's Fund (UNICEF). Eighty per cent of the population live in rural areas, and life expectancy at birth is 58.4 years. Estimated at 3.9 per cent, the population growth rate in the Niger is one of the highest in the world and is coupled with a low level of human development.

12. The Niger has a diverse population made up of nine ethnic groups who live together harmoniously: Hausa, Djerma, Tuareg, Fulani, Arabs, Kanuri, Toubou, Gurma and Buduma. The vast majority of these ethnolinguistic communities are concentrated in the western and southern parts of the country, where the farmland is more fertile.

Table No. 1

Main preliminary results of the fourth general population and housing census, conducted in 2012, by region and by department

	Reference period					*Annual average intercensal growth rate (per cent)*	
	1988	*2001*	*2012*				
Region department	*Total*	*Total*	*Total*	*Male*	*Female*	*1988-2001*	*2001-2012*
Agadez region	**208 828**	**321 639**	**481 982**	**244 699**	**237 283**	3.4	3.6
Arlit	68 979	98 170	103 369	53246	50123	2.8	2.9
Bilma	8 928	17 080	17 459	8 458	9 001	5.1	0.2
Tchirozérine	130 921	206 389	241 007	121 785	119 222	3.6	4.1
Aderbissinat			35 465	18 358	17 107		4.1
Iferouâne			32 864	16 018	16 846		2.9
I-n-Gall			51 818	26 834	24 984		4.1
Diffa region	**189 091**	**346 595**	**591 788**	**300 934**	**290 854**	4.8	4.7
Diffa	76 852	148 151	155 211	77 936	77 275	5.2	4.0
Maine Soroa	83 414	143 397	133 000	67 760	65 240	4.3	4.3
Nguigmi	28 825	55 047	73 073	37 051	36 022	5.1	7.4
Bosso			78 038	40 361	37 677		4.0
Goudoumaria			100 409	51 100	49 309		4.3
Ngourti			52 057	26 726	25 331		7.4
Dosso region	**1 018 895**	**1 505 864**	**2 040 699**	**999 641**	**1 041 058**	3.1	2.7
Boboye	205 923	270 188	253 070	121 711	131 359	2.1	2.4
Dogondoutchi	314 607	494 354	371 078	182 487	188 591	3.5	2.3
Dosso	246 472	353 950	495 328	242 175	253 153	2.8	2.9
Gaya	164 305	253 444	261 693	128 909	132 784	3.4	3.4
Loga	87 588	133 928	176 673	85 800	90 873	3.3	2.4
Dioundiou			109 654	54 683	54 971		3.4
Falmey			103 850	50 947	52 903		2.4
Tibiri (Doutchi)			269 353	132 929	136 424		2.3

Region department	Reference period					Annual average intercensal growth rate (per cent)	
	1988	2001	2012				
	Total	Total	Total	Male	Female	1988-2001	2001-2012
Maradi region	**1 389 433**	**2 235 570**	**3 404 645**	**1 662 880**	**1 741 765**	3.7	3.7
Aguié	172 960	276 938	246 160	119 224	126 936	3.7	3.4
Dakoro	258 098	434 925	631 429	310 623	320 806	4.1	4.0
Guidan Roumdji	210 610	348 321	524 406	254 798	269 608	3.9	3.6
Madarounfa	306 216	439 431	449 906	218 117	231 789	2.8	4.3
Mayahi	227 812	392 254	559 009	268 762	290 247	4.3	3.1
Tessaoua	213 737	343 701	516 227	252 035	264 192	3.7	3.6
Bermo			52 121	26 725	25 396		4.0
Gazaoua			160 490	78 463	82 027		3.4
City of Maradi			264 897	134 133	130 764		4.3
Tahoua region	**1 308 598**	**1 972 907**	**3 327 260**	**1 647 447**	**1 679 813**	3.2	4.6
Abalak		80 955	255 914	131 610	124 304	0.4	10.5
Birnin Konni	253 879	363 176	313 782	156 707	157 075	2.8	3.6
Bouza	180 805	277 782	445 659	219 754	225 905	3.4	4.2
Illela	175 080	263 832	334 755	165 844	168 911	3.2	3.8
Keita	159 675	218 337	337 635	164 533	173 102	2.4	3.8
Madaoua	214 025	319 374	544 215	271 949	272 266	3.1	4.7
Tahoua	240 184	359 994	434 295	208 090	226 205	3.2	4.2
Tchintabaraden	84 950	89 457	143 598	71 684	71 914	0.4	7.5
Bagaroua			73 692	35 709	37 983		3.8
Malbaza			232 992	116 980	116 012		3.6
Tassara			24 365	12 454	11 911		7.5
Tillia			39 067	19 838	19 229		7.5
City of Tahoua			147 291	72 295	74 996		4.2
Tillabéri region	**1 328 283**	**1 872 436**	**2 715 186**	**1 334 339**	**1 380 847**	2.7	3.2
Filingue	285 977	406 334	306 244	150 944	155 300	2.7	2.7
Kollo	234 588	308 627	465 303	230 352	234 951	2.1	3.1
Ouallam	190 171	281 821	323 939	156 787	167 152	3.1	2.8
Say	163 376	232 460	174 211	87 323	86 888	2.7	3.9
Téra	295 969	425 824	337 433	164 932	172 501	2.8	3.9
Tillabéri	158 202	217 370	226 765	109 485	117 280	2.5	2.2
Abala			139 812	68 134	71 678		2.7
Ayorou			54 201	26 525	27 676		2.2
Balleyara			108 366	51 769	56 597		2.7
Bani Bangou			63 844	31 700	32 144		2.8
Bankilaré			84 543	42 546	41 997		3.9
Gotheye			241 401	118 239	123 162		3.9
Torodi			189 124	95 603	93 521		3.9
Zinder region	**1 411 061**	**2 080 250**	**3 556 239**	**1 770 045**	**1 786 194**	3.0	4.7
Gouré	162 275	227 400	332 278	167 346	164 932	2.6	4.3
Magaria	355 153	496 874	579 181	286 663	292 518	2.6	5.6
Matameye	164 107	246 496	401 012	196 650	204 362	3.2	4.3

Region department	Reference period					Annual average intercensal growth rate (per cent)	
	1988	2001	2012				
	Total	Total	Total	Male	Female	1988-2001	2001-2012
Mirriah	536 695	770 638	506 165	252 593	253 572	2.8	4.7
Tanout	192 831	338 842	439 741	218 046	221 695	4.4	4.1
Belbeji			97 484	49 008	48 476		4.1
Damagaram Takèr			240 961	119 790	121 171		4.7
Dungass			350 444	175 289	175 155		5.6
Takeita			249 036	122 951	126 085		4.7
Tasker			38 128	19 676	18 452		4.3
City of Zinder			321 809	162 033	159 776		4.7
City of Niamey	**397 437**	**725 030**	**1 011 277**	**501 459**	**509 818**	4.7	2.9
Country total	**7 251 626**	**11 060 291**	**17 129 076**	**8 461 444**	**8 667 632**	**3.3**	**3.9**

Source: National Institute of Statistics, 2012.

13. A large proportion of the population is poor. According to the 2011 national survey on household living conditions and agriculture, 48.2 per cent of the population lives below the poverty line. The 2007-2008 survey on household budgets and consumption conducted by the National Institute of Statistics placed this figure at 59.5 per cent.

Population distribution by poverty status and region in 2007-2008

Table No. 2
Population distribution by poverty status and region

Region	Poverty status (per cent)		
	Poor	Not poor	Total
Agadez	16.1	83.9	100
Diffa	18.3	81.7	100
Dosso	66.9	33.1	100
Maradi	73.4	26.6	100
Tahoua	57.6	42.4	100
Tillabéri	71.7	28.3	100
Zinder	53.8	46.2	100
Niamey	27.8	72.2	100
Total	**59.5**	**40.5**	**100**

Source: National Institute of Statistics, Statistical Yearbook, 2008.

C. Economic characteristics

14. The Niger is rich in natural resources, including uranium, coal, iron, gold, phosphate and oil. With the exploitation of a fourth uranium extraction site in Imourarene, the Niger is expected to become the second biggest uranium producer worldwide.

15. These resources, together with the income generated from oil, should help to raise the standard of living of the population. The Niger is currently classed as one of the world's poorest countries, according to the human development index; in 2012, it had a nominal gross domestic product (GDP) per capita of $415.40 and ranked 187th out of 187 countries on the index.

Economic data

Table No. 3
Economic data

Macroeconomic indicators	*2009*	*2010*	*2011*	*2012*
Changes in GDP				
Nominal GDP (billions of CFA francs)	2 533.4	2 809.1	3 004.4	3 457.9
Nominal GDP per capita (thousands of CFA francs)	172.4	184.8	191.0	212.5
Real GDP growth (per cent)	-0.7	8.2	2.1	10.8
Real GDP growth per capita (per cent)	-4.1	4.6	-1.2	
GDP composition by sector (per cent)				
Primary sector	39.0	42.1	39.2	38.2
Agriculture	22.5	27.1	24.1	24.6
Livestock farming	12.0	10.5	10.7	9.5
Forestry and fisheries	4.4	4.5	4.5	4.1
Secondary sector	15.0	14.5	14.6	20.4
Tertiary sector	38.7	35.9	37.3	35.1
Taxes on products	7.3	7.5	8.9	6.33
Other ratios and indicators for the national economy				
Gross national income (billions of CFA francs)	2 515.1	2 787.8	2 990.6	3 409
Gross domestic savings rate (per cent)	9.9	14.4	10.0	15.1
Investment rate (per cent)	36.5	42.0	37.6	34.0
Private consumption as a percentage of GDP	73.7	70.8	73.2	71.2
GDP attributable to the informal economy (per cent)	69.2	70.7	68.9	68.0
Average annual inflation (per cent)	4.3	0.9	2.9	0.5
Change in GDP deflator (per cent)	5.5	2.4	4.8	3.1
Negotiated price per kg of uranium (CFA francs)	55 000	55 000	70 000	730 000
Budget revenue as a percentage of GDP	14.4	13.7	16.8	15.7
Tax receipts as a percentage of GDP	13.5	12.9	16.2	14.2
Total expenditure as a percentage of GDP	24.1	20.8	23.9	24.5
Current expenditure as a percentage of GDP	9.8	11.5	14.8	12.1
Outstanding external debt as a percentage of GDP	23.8	21.7	23.2	
Free on board trade balance as a percentage of GDP	-14.9	-13.5	-15.0	20.2
Foreign trade coverage ratio (per cent)	43.4	42.5	44.1	-7.2
Credit flow to the economy (billions of CFA francs)	310.9	350.5	418.8	56.8
Liquidity rate of the economy (per cent)	18.7	20.5	19.7	500
Velocity of money	5.4	4.9	5.1	23.1

Source: National Institute of Statistics, *Le Niger en Chiffres 2011*.

D. Constitutional, political and legal structure of the State

16. The Niger gained independence on 3 August 1960. Between independence and the early 1990s, there was a single-party system, followed by a period of military rule.

17. The National Conference of 1991 led to the establishment of transitional authorities: the Supreme Council of the Republic, which served as a parliament, and a transitional government led by a designated prime minister who held real power and was responsible for organizing the first democratic general elections of the Third Republic in 1993.

18. This democratic process has since been interrupted by the intervention of the army in the political arena on three occasions, in 1996, 1999 and 2010.

19. In 1993, the Alliance des Forces du Changement (Alliance of Forces for Change) won the presidential and legislative elections, with a majority in parliament. The collapse of this alliance and the resulting tensions within the coalition led to a serious political crisis at the highest levels of government. The army entered the political scene and put an end to the regime. On 12 May 1996, the Conseil du Salut National (Council of National Salvation), a governing body established by the army, presided over the adoption of the Constitution of the Fourth Republic. Presidential elections held in July 1996 were won by the Chairman of the Conseil du Salut National with the backing of a national support committee. The opposition parties, believing that the ballot was riddled with irregularities, regrouped as the Front pour la Restauration et la Défense de la Démocratie (Front for the Restoration and Defence of Democracy). The opposition's refusal to participate in the legislative elections of November 1996 gave rise to another period of political instability.

20. With a view to restoring calm, local elections were held in 1998 on a consensual basis. The results of the elections, which were won by the opposition, were nullified for the most part by the Supreme Court, causing a major political crisis. On 9 April 1999, the army once again entered the political arena to resolve the situation. A new constitution was adopted by referendum on 18 July 1999. Presidential and legislative elections were held in October and November 1999, thus establishing the Fifth Republic.

21. In order to remain in power at the end of his two terms in office, in November 2009 the President undertook to have a new constitution adopted, instituting the Sixth Republic and authorizing him to prolong his mandate by three years, contrary to a ruling handed down by the Constitutional Court. In an attempt to legitimate his power, the President held legislative and local elections to complete the process of establishing the Sixth Republic.

22. This process was interrupted by a military coup staged on 18 February 2010 by the Conseil Supérieur de la Restauration de la Démocratie (Supreme Council for the Restoration of Democracy), the highest body responsible for outlining and developing national policy during the transition period, whose aims were to restore democracy, stabilize public finances and combat corruption.

23. The transitional government adopted the Constitution of 25 November 2010 and held local, legislative and presidential elections.

24. The first President of the Seventh Republic was sworn in on 7 April 2011.

25. Under the Constitution, the government is currently structured as follows:

The executive branch

- The President of the Republic, who guarantees national independence, national unity, territorial integrity and respect for the Constitution and international treaties and agreements. He also ensures the proper functioning of the government and continuity of the State.
- The Government is led by the Prime Minister, the Head of Government responsible for coordinating government action.

The legislative branch

26. Legislative power is vested in a unicameral National Assembly, whose members have the title of deputy. The National Assembly passes laws, grants consent for the levying of taxes and oversees the work of the Government.

The judicial branch

27. In the Niger, the judicial branch is independent of the legislative and executive branches. Judicial power is vested in the Constitutional Court, the Court of Cassation, the Council of State, the Court of Auditors and the other courts and tribunals. The judicial constitutional entities of the Niger include:

- The Constitutional Court, which has jurisdiction over constitutional and electoral matters and rules on the constitutionality of laws and orders and on the conformity of international treaties and agreements with the Constitution.
- The Court of Cassation, which is the highest court responsible for judicial matters.
- The Council of State, which is the highest court responsible for administrative matters. It is the first and last instance court for cases of abuse of power by administrative authorities and hears appeals on interpretation and assessment of the legality of administrative texts.
- The Court of Auditors, which is the highest court responsible for the supervision of public finances. It has jurisdictional, supervisory and consultative competence.
- The High Court of Justice, which reports to the National Assembly, has jurisdiction to try members of Government for minor and serious offences committed in the performance of or in connection with their duties and to try the President for high treason committed in the performance of his or her duties.

28. The courts recognize two sources of law: positive law and custom. In matters concerning personal status, i.e. marriage, divorce and inheritance, the courts tend to apply customary law. However, article 99 of the Constitution provides that the law shall establish the rules concerning the procedure under which customs are recorded and brought into line with the fundamental principles of the Constitution.

Other bodies

- The Economic, Social and Cultural Council, established by Act No. 2011-40 of 7 December 2011 on the duties, composition, organization and functioning of the Council, considers bills and legislative proposals on economic, social and cultural matters, with the exception of those relating to finance.
- The High Council for Communications, established by Act No. 2012-34 of 7 June 2012 on the composition, duties, organization and functioning of the Council, is an independent administrative authority. It is responsible for protecting and guaranteeing the freedom and independence of the audiovisual media and the written and electronic press in accordance with the law.
- The National Human Rights Commission was established by Act No. 2012-44 of 24 August 2012. Its duties, which are set out in articles 19, 20 and 21 of that Act, include handling complaints, investigating human rights violations on its own initiative, ensuring the effective exercise of human rights, raising citizens' awareness of their rights and designing and implementing human rights education programmes.
- The traditional chieftaincy system is regulated by Order No. 93-28 of 30 March 1993 on the status of the chieftaincy, as amended by Act No. 2008-22 of 23 June 2008, article 15 of which stipulates that traditional leaders have the power to act as conciliators between parties in customary, civil and commercial matters.

29. In accordance with custom, traditional leaders regulate the use, by families and individuals, of agricultural and pasture land over which the customary community for which they are responsible has recognized customary rights.

30. The leaders must keep records, in an ad hoc register, of all successful and unsuccessful conciliation proceedings and send copies of those records to the administrative authority and the competent court.

31. Records of conciliation proceedings signed by the parties may be endorsed by a writ of execution by the competent court at the initiative of one of the parties.

Suffrage

32. Suffrage is universal, free, equal and secret. Under the Constitution, male and female nationals of the Niger who are aged 18 on the day of the vote or are emancipated minors and are in possession of their civil and political rights may vote under conditions determined by law.

Freedom of association

33. In the context of the freedom of association recognized and guaranteed by the Constitution, political parties, groupings of political parties, trade unions, NGOs and other associations and groupings of associations may form and conduct their activities freely, provided they comply with the laws and regulations in force. Order No. 84-06 of 1 March 1984 governing associations stipulates that associations must be declared and authorized before they undertake their activities.

II. General framework for the protection and promotion of human rights

A. Acceptance of international human rights norms

34. In the context of the protection and promotion of universal human rights values, the Niger is a party to the following international and regional legal instruments:

At the international level

- The Slavery Convention, adopted in Geneva in September 1926 and succeeded to by the Niger on 25 August 1961;
- The International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), adopted on 28 June 1930 and ratified by the Niger on 23 March 1962;
- The Convention for the Suppression of the Traffic in Women of Full Age, adopted in October 1933, accepted and adopted by the Niger on 25 August 1961;
- The ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98), ratified by the Niger on 23 March 1962;
- The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted in December 1949 and ratified by the Niger on 10 June 1977;
- The four Geneva Conventions of 1949 on international humanitarian law, acceded to by the Niger on 16 August 1964;
- The ILO Equal Remuneration Convention, 1951 (No. 100), adopted on 29 June 1951 and ratified by the Niger on 9 August 1966;
- The Convention on the Political Rights of Women, adopted in March 1953 and succeeded to by the Niger on 7 December 1964;
- The Protocol amending the Slavery Convention, adopted in October 1953 and accepted by the Niger on 7 December 1964;
- The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted in April 1956 and ratified by the Niger on 22 July 1963;
- The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified by the Niger on 23 March 1962;
- The Convention against Discrimination in Education, adopted on 14 December 1960 and acceded to by the Niger on 16 July 1968;
- The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, adopted on 7 November 1962 and acceded to by the Niger on 1 December 1964;
- The International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 21 December 1965 and ratified by the Niger on 27 April 1967;
- The International Covenant on Civil and Political Rights, adopted on 16 December 1966 and acceded to by the Niger on 7 March 1986;

- The International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966 and acceded to by the Niger on 7 March 1986;
- The ILO Minimum Age Convention, 1973 (No. 138), ratified by the Niger on 4 December 1978;
- The International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted in November 1973 and ratified by the Niger on 28 June 1978;
- The Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979 and acceded to by the Niger on 8 October 1999; the initial report of the Niger was considered in 2007 and the first periodic report has been submitted to the Committee on the Elimination of Discrimination against Women;
- The International Convention against the Taking of Hostages, adopted in December 1979 and ratified by the Niger on 17 December 2003;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 20 December 1984 and ratified by the Niger on 5 October 1986;
- The Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, adopted in December 1985 and ratified by the Niger on 27 January 2009;
- The International Convention against Apartheid in Sports, adopted in December 1985 and ratified by the Niger on 2 September 1986;
- The Convention on the Rights of the Child, adopted in November 1989 and ratified by the Niger on 30 September 1990;
- The ILO Worst Forms of Child Labour Convention, 1999 (No. 182), adopted in Geneva on 17 June 1999 and ratified by the Niger on 4 August 2000;
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted in June 2000 and ratified by the Niger on 14 September 2004;
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted on 26 April 2000 and acceded to by the Niger on 17 November 2003;
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted in November 2000 and ratified by the Niger on 29 July 2004;
- The Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006, and the Optional Protocol thereto; the Niger ratified these two instruments on 24 June 2008;
- The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, ratified by the Niger on 24 December 2008;
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified by the Niger on 27 January 2009.

35. International instruments to which the Niger is not a party include:

- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- The Optional Protocol to the International Convention for the Protection of All Persons from Enforced Disappearance (signature only, 2007);

- The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

36. The Niger has ratified the Convention on the Elimination of All Forms of Discrimination against Women but has entered reservations to articles 2, 5, 15, 16 and 29 thereof. The most important of these reservations concern:

- Taking appropriate measures to modify or abolish existing laws and practices that constitute discrimination against women, particularly regarding inheritance;
- Modifying the social and cultural patterns of conduct of men and women;
- The right of women to choose their residence and domicile, except single women;
- The right of women to have the same rights and responsibilities during marriage and at its dissolution, the same rights to decide freely and responsibly on the number and spacing of their children, and the right to choose a family name.

37. In the Niger, a predominantly Muslim country where sociocultural constraints persist, a great deal of effort is required to change social attitudes. Awareness campaigns are conducted throughout the year to bring about this change and enable the country to withdraw its reservations.

At the regional level

- The Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, adopted in September 1969 and ratified by the Niger on 21 September 1971;
- The OAU Convention for the Elimination of Mercenarism in Africa, adopted in 1977 and ratified by the Niger on 19 June 1980;
- The Economic Community of West African States (ECOWAS) Protocol on Free Movement of Persons, the Right of Residence and Establishment, adopted in May 1979 and ratified by the Niger on 29 November 1979;
- The African Charter on Human and Peoples' Rights, adopted on 27 June 1981 and ratified by the Niger on 21 July 1986;
- The African Charter on the Rights and Welfare of the Child, adopted in July 1990 and ratified by the Niger on 11 December 1992.

38. In addition to acceding to the regional and international legal instruments listed, the authorities of the Niger have taken various legislative and regulatory measures to fulfil its regional and international commitments relating to the protection and promotion of the rights of all persons residing in its territory.

39. At the regional level, the Niger is not a party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). This is due to the persistence of sociocultural constraints.

B. Legal framework for the protection of human rights at the national level

40. The preamble to the Constitution of 25 November 2010 affirms the commitment of the Niger to "the principles of pluralist democracy and human rights as defined by the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966, and the African Charter on Human and People's Rights of 1981".

41. Article 171 of the Constitution provides that "treaties and agreements lawfully ratified shall, upon their publication, have an authority superior to that of laws, subject to each agreement or treaty being applied by the other party".

42. The State ensures that international human rights instruments are incorporated into domestic law through either the adoption of new legislation or the amendment of existing legislation.

45. At the institutional level, the Niger has set up a number of bodies to promote and protect human rights.

Judicial mechanisms

46. In the Niger, justice is administered by 30 *tribunaux d'instance* (courts of minor jurisdiction), 10 *tribunaux de grande instance* (courts of major jurisdiction), 2 courts of appeal, the State Court and the Constitutional Court. Victims of human rights violations may bring cases before the courts and appeal against verdicts.

47. There are 10 specialist courts of major jurisdiction in each of the following fields: employment, juvenile justice, commercial law, rural landownership and administrative law. These courts are all distributed in the same way, following the model adopted for those specializing in employment. There are also 30 courts of minor jurisdiction which serve as juvenile courts. A total of 114 judges preside over these courts.

48. To ensure the right to a defence, there were 114 advocates, 5 trainees and 5 group legal practices in 2012. The State has introduced a system of court-appointed lawyers (volunteers appointed by the Minister of Justice to defend people who cannot afford the services of a lawyer. In 2010, there were 225 such lawyers.

49. At the internal level, the following extrajudicial bodies are responsible for the promotion and protection of human rights:

- The Directorate of Human Rights and Welfare, which, pursuant to Order No. 017/MJ/GS/PPL/SG of 1 March 2012 on the organization of the central administration services of the Ministry of Justice, became the General Directorate for Human Rights, Judicial Protection of Juveniles and Welfare, with a broader mandate encompassing several areas, namely human rights, the judicial protection of juveniles and welfare. This General Directorate now has authority over three directorates. It is responsible for monitoring and implementing policies in the fields of human rights, juvenile justice and welfare. It coordinates the drafting of initial and periodic reports for submission to the treaty bodies, ensures effective compliance with international, regional and national human rights instruments and oversees the provision of legal and judicial assistance. It also works to prevent human rights violations through information campaigns, education, awareness-raising, investigations, the definition of legal frameworks and coordination between public actors and civil society.
- The Prisons and Rehabilitation Service, which, pursuant to the aforementioned Order, became the Directorate General for Prison Administration and Security and Rehabilitation. It has three departments under its authority, which are responsible for monitoring the human rights situation in prisons, drafting and enforcing prison regulations, devising strategies and programmes for risk prevention in prisons and developing and rolling out rehabilitation programmes, including policies on training and access to employment for inmates. The General Directorate also provides training for prison staff and manages prisons, ensuring proper nourishment and health care for inmates and protecting other rights recognized under the decree laying down the regulations for prisons.
- The General Directorate for the Advancement of Women, a service of the Ministry for Population, the Advancement of Women and the Protection of Children, which has become the General Directorate for the Advancement of Women and Gender Equality. It is responsible for implementing national policy for the advancement of women and gender equality and for the integration of the gender perspective into development plans and programmes. It also monitors compliance with the Convention on the Elimination of All Forms of Discrimination against Women.
- Within the Ministry for Population, the Advancement of Women and the Protection of Children, there is now a General Directorate for the Protection of Children, Welfare and Humanitarian Action, which is responsible for designing and implementing policies, strategies, plans and programmes in the areas of child protection, social welfare and humanitarian action. It also monitors compliance with the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the African Charter on the Rights and Welfare of the Child.

- The central police service responsible for the protection of women and minors, established pursuant to Order No. 0045MI/S/D/AR/DGPN of 28 January 2011. The service is composed of a secretariat, divisions for the protection of minors and the protection of women, documentation and investigation divisions and special units responsible for the protection of minors and women at the regional, departmental and communal levels and at special police stations and border control checkpoints. This police service handles complaints filed by minors who are victims of crimes and cases involving minors who have committed criminal offences. A minors protection squad works to detect and diagnose initial signs of delinquency among children in street situations and/or who are separated from their family, to identify and combat all forms of domestic and non-domestic violence and abuse committed against children, including sexual exploitation, rape, paedophilia, child pornography and the abduction or recruitment of children, and any other criminal act committed by or against a minor and to monitor the placement of juveniles at risk in public or private child welfare institutions.

- The civil protection services, which are regulated by Order No. 086/MI/SP/D/AR of 14 February 2012 on the organization of the central services of the Ministry of the Interior. These services are responsible for the protection of persons, property and the environment in the event of natural and man-made disasters and in situations where civil defence is required. They devise and implement civil security measures on a national scale. They also organize and coordinate emergency action and take humanitarian measures to protect the population in times of crisis or war.

- The Niger National Guard, which is responsible for protecting public buildings, maintaining and restoring public order, operational defence of national territory, people and their property, and the administration, management and guarding of prisons. Following internal reforms, it now holds the status of a criminal investigation service and is empowered to receive complaints from victims of human rights violations in the most remote areas of the country.

- The Educational, Preventive and Judicial Service, established by Order No. 08 of 30 April 2007, which reports to the Ministry for the Population, the Advancement of Women and the Protection of Children. Through branches in several cities around the country, it provides assistance and advice to juveniles in conflict with the law or at risk. Its role is essentially preventive and educational and includes the provision of timely assistance for children in any kind of danger, educational support, social rehabilitation of juveniles and social surveys.

- The social services attached to the courts conduct background checks at the request of judges in the course of judicial proceedings. The community social services conduct background checks in child custody cases and advocate inclusive local development for the benefit of persons with disabilities.

48. The provisions of human rights instruments may be invoked before the courts or administrative authorities. In the Niger, abundant case law exists on this subject, especially concerning the principle of the best interests of the child, which may be invoked before the judicial and administrative authorities.

Access to justice

49. Access to justice is free and without charge. The Universal Declaration of Human Rights has been incorporated into the domestic legal system and may be invoked before the domestic courts, just as the provisions of the Convention on the Rights of the Child concerning the best interests of the child are regularly invoked, particularly in cases involving adoption and custody.

50. Although this principle is recognized, there are problems caused by the remoteness of the judicial system from the public and the sheer size and isolation of certain rural areas, which are particularly difficult to access during the rainy season. Other problems include delays in legal proceedings, legal language that is technical in nature and hard to understand and the high illiteracy rate in the Niger.

Regional authorities recognized by the Niger

51. The Niger recognizes the jurisdiction of the ECOWAS Community Court of Justice. On 14 September 2007, Hadijatou Mani Koraou, a citizen of the Niger, brought a case before the Court, alleging a violation of her rights by the Republic of the Niger (slavery). At the end of the trial, the Court found in her favour and ordered the State of the Niger to pay her compensation of CFAF 10 million. The Court's judgment was executed.

C. Legal framework for the promotion of human rights at the national level

National and regional parliaments and assemblies

52. Parliamentarians are empowered to promote human rights by facilitating the ratification of international treaties and by monitoring government policy through interpellations and oral questions on alleged human rights violations. They undertake parliamentary inquiries to verify violations brought to their attention.

53. Information, education and awareness-raising days are organized for parliamentarians with a view to strengthening their capacities. With this end in mind, the Ministry of Justice, in collaboration with its technical and financial partners, is planning, as part of its workplan, an education and awareness-raising day for parliamentarians on the topic of human rights norms.

54. Following the coup d'état of February 2010, the National Commission for Human Rights and Fundamental Freedoms was dissolved and was later replaced by the National Observatory for Human Rights and Fundamental Freedoms, the administrative body responsible for ensuring the protection and effective realization of rights and freedoms. Established on 30 March 2010 pursuant to Ordinance No. 2010-27 of 20 May 2010, as amended by Ordinance No. 2010-45 of 20 July 2010, the Observatory began its work in September 2010. It is made up of 12 members, including 10 from civil society (the Bar Association, the Confederation of Women's Associations for the Promotion and Protection of Human Rights, the press, the Faculty of Economic and Legal Sciences, the Medical Association, the trade unions, the Federation of Organizations and Associations for the Protection of Human Rights and the Promotion of Democracy, and the Association of Traditional Leaders).

55. In 2012, the National Observatory was replaced by the National Human Rights Commission provided for under article 44 of the Constitution. The Commission is responsible for ensuring the promotion and effective realization of rights and freedoms. It is an independent administrative body set up in conformity with the Paris Principles. The law specifies that the Commission must submit an annual report on human rights to the National Assembly.

Dissemination of human rights instruments

56. The following awareness-raising and educational activities have been carried out in recent years:

- Training for senior personnel in all ministries on the human rights-based approach and the treaty bodies
- Training for members of the interministerial committee on the drafting of initial and periodic reports for United Nations human rights mechanisms
- Human rights training for the defence and security forces
- Training and awareness-raising for civil society organizations on the universal periodic review
- Introduction, in 2006, of 16 days of activism (from 25 November to 10 December each year) on human rights in general and women's rights in particular, an initiative of the consultation framework which brings together representatives of the State, civil society and technical and financial partners

- The "defence caravan", composed of lawyers who provide free legal services to defendants and the general public
- The "justice caravan", composed of communicators and legal experts who participate in awareness-raising activities on the rights of women and children (open days in courts, debates and films)

Role of civil society, including NGOs

57. Civil society has a leading role in the promotion and protection of human rights in the Niger. Conscious of this role, the Government has taken a number of measures to facilitate the creation of NGOs and the activities they carry out. Article 8 of Ordinance No. 84-06 of 1 March 1984, on associations, specifies that associations of physical persons may be created by free consent, by submitting a notification and obtaining authorization, and that such associations shall have legal capacity.

58. In order to enhance participation in political and public life, the Government of the Niger has established several mechanisms for social dialogue and consultation, in particular the National Council for Political Dialogue and the National Commission for Social Dialogue, and systematically involves representatives of civil society in national institutions.

59. On 31 December 2010, there were 1,167 NGOs and development associations in the Niger.

Development cooperation and assistance

60. Despite being a developing country with a high poverty rate, the Niger is working hard to promote and protect human rights. At the international level, this cooperation is manifest in the ratification of international human rights instruments and the country's efforts to submit reports to treaty bodies in order to create the climate for an exchange of views on the challenges it is facing in this area. The Niger is also a party to a number of other conventions, including those of the International Labour Organization (ILO). It receives support from technical and financial partners present in the country, such as the United Nations Development Programme (UNDP), UNICEF and other United Nations specialized agencies, which carry out work in all areas, including health care, education, the environment and human rights training.

61. Since 2008, the Office of the United Nations High Commissioner for Human Rights, in conjunction with the United Nations Country Team in the Niger, has been supporting the implementation of the Action 2 project, in partnership with the Ministry of Justice, UNDP, UNICEF, the United Nations Population Fund, the United Nations Entity for Gender Equality and the Empowerment of Women and the World Food Programme.

62. The Niger also participates in international meetings, including, for example, those held in Rabat and Dakar on the universal periodic review, at which it draws inspiration from good practices in the promotion of human rights.

63. In 2010, a delegation from Benin visited the Niger as part of an exchange of experience in the areas of the protection of children in conflict with the law and access to justice for abused children.

64. With regard to the advancement of women, the Government of the Niger organizes a biennial international craft fair for women, which serves as a framework for promoting the empowerment of African women and the development of women's leadership.

65. As part of its efforts to promote children's right to leisure and culture, the Government of the Niger organizes an annual week-long meeting (called *Sukabé*, or "Child") which brings together children of the subregion to take part in recreational, sporting and cultural activities.

D. Reporting process at the national level

66. In connection with the preparation and submission of reports to monitoring bodies, the Government of the Niger, in partnership with the United Nations Country Team, has initiated consultations with national partners and undertaken discussions as to the need to set up a body to draft the country reports for treaty bodies. This action reflects the fact that the country is rather late in complying with its international commitments.

67. It was thus decided that, as part of a participatory approach, an interministerial committee should be established to ensure cooperation between all State bodies.

68. In this connection, training courses on mechanisms for the preparation of initial and periodic reports for treaty bodies were held for senior personnel of ministries and institutions from 10 to 13 November 2009 in Niamey, and an interministerial committee was established pursuant to Order No. 0013/MJ/DH/DDH/AS of 17 March 2010.

69. The objectives of the committee are set out in article 3 of the Order. Its members, 25 in all, are appointed in accordance with Order No. 0031/MJ/DH/DDH/AS of 30 April 2010. The committee officially began its work on 12 May 2010, with a launch ceremony held by the Ministry of Justice in conjunction with the United Nations Country Team in the Niger.

70. Broad-based consultations involving regional workshops have been organized so as to involve all regions in the process, as was the case during preparation of the report for the universal periodic review of the Niger, to which local and regional personnel, NGOs and human rights organizations throughout the country contributed. The Government of the Niger intends to maintain and enhance this initiative in order to ensure the participation of departments and public authorities at the national, regional and local levels.

71. NGOs and associations are involved in all phases of the process:

- They are made aware and kept informed of the report during the drafting stage
- They participate in the report validation process, attending national workshops held for this purpose
- They are involved in monitoring action taken to implement recommendations

72. The reports are validated in national workshops before being forwarded to the Government for adoption by decree of the Council of Ministers.

III. Information on non-discrimination and equality, and on effective remedies

Non-discrimination and equality

73. A party to many international human rights instruments, the Niger reaffirms in its Constitution its attachment to the principle of the rule of law. Article 8 provides that the Republic of the Niger is a State governed by the rule of law; that it assures equality for all before the law without distinction as to sex or social, racial, ethnic or religious origin; that it respects and protects all beliefs; and that no proponents of a particular religion or belief may claim political power or interfere in the affairs of the State.

74. Article 117 of the Constitution specifies that justice is rendered on the national territory in the name of the people and with strict respect for the rule of law and the rights and freedoms of every citizen; and that the decisions of the courts are binding on all, both the public authorities and citizens, and may be challenged only by the means and in accordance with the procedures authorized by law. Article 118 stipulates that, in the exercise of their functions, judges shall be independent and subject only to the authority of the law.

75. Thus, anyone who considers that their rights have been violated may apply to the courts for reparation. If they do not obtain satisfaction, they may avail themselves of the avenues of redress provided for by law. The judicial and institutional structures in place for this purpose assure a better framework for ensuring equality. They include:

- The police and the gendarmerie, which carry out preliminary inquiries.
- The courts, which, as established and guaranteed by law, respect the principles of fair trial, including the right to a defence, the principles of *nullum crimen sine lege* and *nulla poena sine lege*, and the right to be presumed innocent. Avenues of redress are available if needed.

76. Alongside the National Human Rights Commission, the Directorate on Human Rights and Welfare, the General Directorate for the Protection of Children, Welfare and Humanitarian Action and the General Directorate for the Advancement of Women and Gender Equality are all also engaged in efforts to raise awareness of and eliminate all forms of discrimination, in particular with regard to vulnerable groups.

77. The Criminal Code contains provisions concerning discrimination, including the following:

- Article 102 states that any act of racial or ethnic discrimination, regionalist propaganda and action contrary to freedom of conscience or freedom of worship that is likely to set individuals against one other shall be punishable by 1 to 5 years' imprisonment and a local banishment order. When the purpose or effect of the act of racial or ethnic discrimination, regionalist propaganda or action contrary to freedom of conscience or freedom of worship is the commission of a crime or offence against State security or the territorial integrity of the Niger, the perpetrator or instigator shall be prosecuted as a co-perpetrator or an accomplice, depending on the case.
- Article 208.3 specifies that the following grave offences that, by action or omission, cause harm to persons and property protected under the Conventions signed in Geneva on 12 August 1949 and under Additional Protocols I and II to those Conventions, adopted in Geneva on 8 June 1977, shall constitute war crimes punishable in conformity with the provisions set out therein: practices of apartheid and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination.

78. To reduce economic, social and geographic disparities between rural and urban areas, the State has decided to decentralize the organization and administration of the national territory.

Vulnerable groups

79. The vulnerable groups accorded particular attention by the authorities include children, women, persons with disabilities and older persons.

Children

80. Article 21 (2) of the Constitution of 25 November 2010 stipulates that the State and the public authorities have a duty to ensure the physical, mental and emotional health of the family, in particular mothers and children.

81. Pursuant to article 22, the State shall take measures to combat violence against women and children in public and private life.

82. Article 24 provides that the State and the public authorities shall protect the country's youth against exploitation and abandonment. The State shall ensure the material and intellectual development of young persons and promote their training, employment and labour market integration.

83. Notwithstanding this favourable framework for the protection of children, a number of factors remain detrimental to the enjoyment of their rights.

84. In 2012, the proportion of children under 5 years of age whose birth had been registered was 64 per cent (60 per cent in rural areas and 92 per cent in urban areas).

85. Child labour is a reality in the Niger. In 2012, the proportion of children aged 5 to 14 years who worked stood at 48 per cent, as against 70 per cent in 2000. There is a significant disparity between rural areas (51 per cent of children work) and urban areas (30

per cent). Many children are engaged in hazardous work: for example, children aged from 5 to 17 years work at the gold panning sites in Komabangouand Mbanga.

86. In 2006, the regional directorates of the Ministry for the Advancement of Women and the Protection of Children estimated the number of street children to be 11,042. According to the demographic and health survey and multiple indicator cluster survey, in 2006, 31 per cent of children were separated from at least one of their biological parents, as compared to 17.4 per cent in 2000. Wards of the State are entrusted to the Care Centre for Children with Family Difficulties in Niamey. In 2008, the Centre admitted 38 children, as against 17 in 2000.

87. With respect to children in conflict with the law, in 2012, the number of minors detained in the country's 38 prisons stood at 237, of whom 90 per cent were boys.

88. In the Niger, girls marry very early. The demographic and health survey and multiple indicator cluster survey found that the median age of first marriage varies from 15.5 years for girls to 23.1 years for boys. Almost one in four girls aged 15 to 19 years (24 per cent) marries before the age of 15, and more than three quarters of women (77 per cent) marry when they are under 18. Progress in this area remains quite slow, with a slight fall — of four percentage points — in adolescents married under the age of 15 between 2006 and 2012, and a stabilization of the percentage of women married when they are under 18, at around 77 per cent. In 2012, the national prevalence of female genital mutilation/excision was 2 per cent, around a third of the level recorded in 1998, when the practice's prevalence was 5.6 per cent.

Women

89. The advancement and protection of women's rights are matters of ongoing concern for the public authorities. The revision of the Criminal Code in 2003 allowed for certain women's issues to be addressed. Sexual harassment, female genital mutilation, slavery, procuring, defilement and rape are severely punished by law.

90. The Quota Act is one of the most important pieces of legislation designed to promote women's rights. A personal status code is under development, but its adoption continues to be the subject of debate. Two key policies contribute to the effective exercise of women's rights: the National Gender Policy adopted in 2008, and the National Social Development Policy, which has the advancement of women as one of its sectoral strategies.

91. Despite the existence of this legislation, violence against women persists. Physical, verbal and psychological violence is difficult to assess because of the lack of official statistics. However, certain studies indicate that such violence is a reality in the country.

92. Other forms of violence evident in the country, including repudiation and forced marriage, are tolerated by society because they are customary. Based on custom, women from some ethnic groups are denied access to property, including a share in inherited land.

93. Examples of such other forms of violence include: the economic exploitation of women by depriving them of certain essential property or preventing them from engaging in development activities; ill-treatment of domestic workers; and trafficking.

Persons with disabilities

94. As a party to the Convention on the Rights of Persons with Disabilities, the Niger guarantees the rights of such persons through articles 22 and 26 of the Constitution:

- Pursuant to article 22, the State must ensure the elimination of all forms of discrimination against women, young girls and persons with disabilities. Public policies in all areas must guarantee their full development and their participation in national development;
- Pursuant to article 26, the State must ensure equality of opportunity for persons with disabilities with a view to their advancement and/or social integration.

95. Ordinance No. 93-012 defines the minimum rules for the social protection of persons with disabilities. Pursuant to this Ordinance, two decrees were issued in 2010, one

of which established the National Committee for the Advancement of Persons with Disabilities. Article 9 of Decree No. 96-456/PRN/MSP provides for 100 per cent coverage of hospitalization costs for persons with disabilities.

96. Under article 21 of the Ordinance, all public or private establishments with at least 20 employees are required to reserve 5 per cent of jobs for persons with disabilities. The implementation of this article enabled 225 graduates with disabilities to be recruited between 2007 and 2012.

97. According to the World Report on Disability, published by the World Health Organization in June 2011, persons with disabilities represent 15 per cent of the total population; a significant proportion of children with disabilities (33.5 per cent) have more than one disability. The 2001 general population and housing census found that persons with disabilities represent 0.73 per cent of the total population (44,025 men and 36,010 women). Girls account for 45 per cent of children with disabilities. The most common disabilities are lower limb infirmity (13.37 per cent), deafness (10.61 per cent), blindness (11.47 per cent) and mental impairment (10.23 per cent). A significant proportion of children (33.44 per cent) have more than one disability.

98. Persons with disabilities are stigmatized by society. In some cases, they are also discriminated against in employment.

Older persons

99. In the Niger, particular attention is afforded to older persons. Thus, article 25 of the Constitution provides that "the State shall care for older persons through a social protection policy. The law shall set out the conditions and modalities of such protection". The Government has created a Directorate for the Advancement of Older Persons within the Ministry for Population, the Advancement of Women and the Protection of Children to develop and enforce laws and regulations designed to uphold the rights of older persons. To this end, and in accordance with the aforementioned article 25 of the Constitution, a bill on the protection of older persons is being prepared.

Second part: Treaty-specific document

2.1 General provisions of the Convention (arts. 1-4)

100. Title II of the Constitution enshrines the rights and duties of the individual. Specifically, article 26 stipulates that "the State shall ensure equality of opportunity for persons with disabilities with a view to their advancement and/or social integration." At the legislative level, Ordinance No. 93-012 of 2 March 1993, as amended and supplemented by Ordinance No. 2010-028 of 20 May 2010, defines the minimum rules for the social protection of persons with disabilities.

101. Article 1 of the Convention defines persons with disabilities as those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

102. Article 2 of Ordinance No. 2010-028 of 20 May 2010, mentioned above, defines persons with disabilities as those who, as a result of a congenital or other impairment affecting their physical, sensory or mental capacities, are unable to meet their own needs, in whole or in part, either independently or in a group setting. Under this definition, persons with disabilities can be grouped into three categories:

- Persons with motor impairments
- Persons with sensory impairments
- Persons with mental impairments

103. The definition given in article 2 of the Ordinance is partially in line with article 1 (2) of the Convention on the Rights of Persons with Disabilities, which was ratified by the

Niger in 2008: it does not include the elements relating to the full and effective participation in society of persons with disabilities on an equal basis with others and the long-term nature of the impairment.

104. In accordance with article 3 of Ordinance No. 93-012 of 2 March 1993, the prevention and detection of disabilities and the provision of care, education, training, job guidance and redeployment, employment and social integration for persons with physical, sensory or mental disabilities constitute a national obligation.

105. Families, the State, local authorities, public institutions, associations, groups, organizations, public and private enterprises, insurance providers and the National Social Security Fund work together to fulfil this obligation to ensure that persons with disabilities have as much autonomy as possible within the limits of their abilities.

106. At the legislative level, Act No. 60-36 of 29 July 1960 on the expulsion from school of persons with leprosy is still in force, but the text has become obsolete following the introduction of the Convention on the Rights of Persons with Disabilities, including its general principles of non-discrimination, respect for difference, equality of opportunity and the adoption of implementing legislation and regulations.

107. In addition, certain customs persist that cast persons with disabilities as an expression of divine punishment or a sign of an angry evil spirit. As a result, many families still try to hide any members of the household who have disabilities. This practice is observed particularly in regions such as Agadez and Diffa, where no blind persons were identified during the census of blind persons that was conducted in 1978. Fortunately, this thoroughly negative attitude has been evolving in a more positive direction.

108. In the context of the implementation of these rights, and with the aim of facilitating communication for persons with disabilities, in 1979 the Niger adopted the use of Braille, large print and audio formats for blind persons and the use of sign language for persons who are hard of hearing. It also expanded access to information and communication technologies.

109. With regard to the obligations contained in the Convention, the Niger has, through its ratification of this treaty, committed to ensuring and promoting the full exercise of all human rights and fundamental freedoms for all persons with disabilities without any form of discrimination on the basis of disability.

110. In this context, Ordinance No. 93-012 of 2 March 1993 was amended following a State-commissioned study conducted in May 2008 with a view to updating legislation relating to persons with disabilities.

111. As a result, Decree No. 2010-637/PCSRD/MP/PF/PE of 26 August 2010 regulating the implementation of the Ordinance and Decree No. 2010-638/PCSRD/MP/PF/PE of 26 August 2010 on the establishment, organization, powers and operations of the National Committee for the Advancement of Persons with Disabilities were adopted. The aim of these amendments is to enhance the involvement of persons with disabilities in the development, implementation and evaluation of legislation and policies intended to give effect to the Convention.

2.2 Specific rights (arts. 5 and 8-30)

2.2.1 Equality and non-discrimination (art. 5)

112. This article recognizes that all persons are equal before the law and are entitled without any discrimination to the equal protection and equal benefit of the law. Here it should be noted that the Constitution enshrines the equality of citizens in their rights and duties.

113. Article 8 of the Constitution provides that "the Republic of the Niger is a State governed by the rule of law. It assures equality for all before the law without distinction as to sex or social, racial, ethnic or religious origin. It respects and protects all beliefs. No

proponents of a particular religion or belief may claim political power or interfere in the affairs of State."

114. Article 26 of the Constitution enshrines the right of persons with disabilities to enjoy equality of opportunity with a view to their advancement and/or social integration.

115. The principles of non-discrimination and equality of persons with disabilities are affirmed by the Constitution and can be invoked by persons with disabilities before the administrative and judicial authorities to protect or defend their interests on an equal basis with others.

116. In practice, however, challenges remain, particularly as a result of the shortfall in economic resources and the lack of awareness of the legislation on the rights of persons with disabilities among the actors responsible for its implementation. For example, in one instance an administrative authority was reluctant to allow a person who met the relevant criteria to enter the teaching profession because of a mobility impairment. The case was swiftly resolved once the authority was made aware of the legislation on the rights of persons with disabilities.

117. A further example is the case of a graduate of the Customs stream of the National School of Administration and the Judiciary who was denied entry to the Customs Service despite having passed the test. This case is currently pending before the courts (Council of State).

118. Other constraints noted concern access to certain vocational training schools, where the legal and/or practical adaptations required to give full effect to the rights of persons with disabilities are not being made. A good example, however, can be drawn from the general education system: in the final examinations of the first cycle of secondary education, students with a visual impairment are excused from certain scientific subjects that feature charts.

119. The issue of access to public and private facilities was raised at a workshop on the accessibility of water and sanitation infrastructure for persons with disabilities held in April 2008. The workshop was organized by the Ministry for Population and Social Reform with financial and technical support from the NGO World Vision Niger through the West Africa Water Initiative.

120. In the same vein, the Social Reform Directorate has entered into correspondence with the Director of State Assets with a view to ensuring that, in the future, provision will be made for accessibility for persons with disabilities in the design and construction of public and private infrastructures.

121. In the light of the foregoing, awareness-raising activities for public services, NGOs and associations need to be intensified to combat discrimination in all its forms and to implement the provisions of national and international instruments.

2.2.2 Awareness-raising (art. 8)

122. Article 8 of the Convention establishes the obligation to undertake effective awareness-raising initiatives to promote a positive perception of persons with disabilities. At the institutional level, technical committees have been established to ensure the implementation of such initiatives. The National Technical Committee for the Advancement of Persons with Disabilities, established by Decree No. 97/404/PRN/MDS/P/PF/PE of 10 November 1997, is tasked with leading and coordinating the various habilitation and rehabilitation services for persons with disabilities. The original decree was amended by Decree No. 2010/638/PCSRD/MP/PF/PE of 26 August 2010, which modified the Committee's functions and expanded its composition to include additional representatives of associations and public and private organizations.

123. The Committee has offices at the regional, departmental and communal levels. Its functions include conducting information, education and communication activities both for persons with disabilities and for the general public in order to promote a positive attitude for all.

124. A national committee, with regional subcommittees, was established by Order No. 0030/MP/RS/DRS of 1 December 2008 to monitor the implementation of the Convention. Since the committees were set up, training has been provided for:

- The members of the national committee responsible for monitoring the implementation of the Convention.
- Central and regional managers responsible for monitoring the implementation of the Convention. The training was organized by the Ministry for Population and Social Reform, with technical and financial support from UNICEF.

125. The activities conducted by the above-mentioned committees have included large-scale awareness-raising sessions led by the social services, organizations of persons with disabilities and the Journalists' Network for the Promotion of the Rights of Persons with Disabilities to nurture receptiveness to the rights of persons with disabilities.

126. The implementing bodies, namely the regional directorates of the ministry responsible for the social protection of persons with disabilities, include awareness-raising campaigns in their annual programme of activities.

127. Cultural events and awareness-raising, information and communication activities to promote and protect the rights of persons with disabilities are organized to mark special occasions such as the National Day of Persons with Disabilities, World Leprosy Day, the International Day of Persons with Disabilities, the International Day of Families, the National Week for Solidarity with Vulnerable Groups and the annual festival for blind persons in Zinder. The activities include lectures and debates, press articles, exhibitions and sales of products made by persons with disabilities, sports events and radio and television features.

128. In practice, these awareness-raising sessions are inadequate, as illustrated in Table No. 4, mainly due to limited State resources. Given the importance of promoting and raising awareness of the rights of persons with disabilities, there is an urgent need for more resources to be made available to stakeholders working to achieve this goal. Indeed, many persons with disabilities who are involved in organized structures specifically designed to promote their interests are not even aware that there is a universal text enshrining their rights vis-à-vis the public authorities and other organizations.

Table No. 4
Awareness-raising sessions 2008-2010 (Handicap International)

Organization	*Activity*
Tahoua Regional Directorate	73 awareness-raising sessions on disability prevention, the fight against sexually transmitted diseases and HIV/AIDS and combating begging
Agadez Regional Directorate	3 awareness-raising sessions and 2 lecture and debate events on the right to education of children with disabilities
Tillabéri Regional Directorate	2 awareness-raising sessions on legislation concerning persons with disabilities and on combating begging
Diffa Regional Directorate	5 awareness-raising sessions on the rights of persons with disabilities during national and international days of persons with disabilities
Regional Directorate for Niamey Urban Community	7 awareness-raising sessions on the rights of persons with disabilities on the occasion of the National Day of Persons with Disabilities and the International Day of Persons with Disabilities and financial support for income-generating activities for 110 persons with disabilities
	4 awareness-raising sessions on family planning for women with disabilities

Organization	Activity
	Stock-taking workshop for advocates for persons with disabilities
	Citizens' workshop on housing and persons with disabilities
Rehabilitation Project for Blind Persons and Other Persons with Disabilities in the Niger (PRAIDN Project)	1 lecture and debate event on the education of children with special educational needs held at Abdou Moumouni University in Niamey
	1 lecture and debate event on the rights of persons with disabilities held in April 2010 in Maradi (100 participants)
	1 capacity-building workshop for field workers on the rights of persons with disabilities
	2 workshops on the enjoyment of economic rights by persons with disabilities (120 participants)
	1 national conference on the community-based rehabilitation strategy, which brought together nearly 100 national and international participants in June 2010
	A lecture and debate event on sociocultural prejudices against persons with disabilities, aimed at NGOs and associations, organizations of persons with disabilities, government ministries and civil society
	Workshop on access to microfinance institutions for persons with disabilities, organized in 2010
Handicap International Project on Rights, Equality, Citizenship, Solidarity and Inclusion of People with Disabilities (DECISIPH Project)	Training of 200 national and local leaders and 17 national trainers on disability and the Convention
	1,000 posters (one person, one identity) and 50 picture boxes on the rights of persons with disabilities
	National seminar on inclusive local development
	170 awareness-raising sessions on disability, inclusive local development and the Convention
	10 microprojects on inclusive local development for communes and 20 advocacy microprojects for local organizations of persons with disabilities
	Production of a directory of stakeholders in the field of disability
	Establishment of five frameworks for dialogue between local authorities and organizations for persons with disabilities
	Training of 70 educational counsellors (inspectors and educational advisers) in Niamey in collaboration with the Ministry of Education
	100 copies of the Convention translated into Braille
	Construction of five ramps in the communes of Niamey
Inclusive education project	Training of 1,500 teachers from mainstream schools in teaching children with disabilities
	10 awareness-raising sessions for school partners on the right to education of children with disabilities
	Training of central managers from the Ministry of Education on the rights of children with disabilities, including the right to education

Organizations	Activity
National Commission for Human Rights and Fundamental Freedoms	Training of 10 opinion shapers in Ouallam Department on the rights of persons with disabilities
	Training of 10 members of the committee responsible for the monitoring and implementation of the rights of persons with disabilities

Source: Statistical data from the Ministry for Population, the Advancement of Women and the Protection of Children, 2010.

2.2.3 Accessibility (art. 9)

129. Public and private buildings and forms of public transportation which are difficult or impossible to access remain a major obstacle to the active participation of persons with disabilities in the economic and social life of the country.

130. To address this situation, Ordinance No. 93-012 of 2 March 1993, as amended and supplemented by Ordinance No. 2010-028 of 20 May 2010, defines the minimum rules for the social protection of persons with disabilities and provides that roads, housing units and all facilities that are open to the public must adhere to architectural planning rules and construction standards in order to ensure accessibility for persons with disabilities. The arrangements for the progressive implementation of this principle will be determined by decree in accordance with article 28 of Ordinance No. 93-012 of 2 March 1993. In the light of these provisions and the complexity of the measures to be taken to implement the rights of persons with disabilities, there is an urgent need for more resources to be made available to stakeholders working to achieve this goal.

131. Steps have been taken to improve and adapt public transport services and respond to the needs of persons with disabilities through article 29 of Ordinance No. 93-012 of 2 March 1993 on the establishment and operation of specialized transport services. The newly created article 30 of Ordinance No. 2010-028 of 20 May 2010 determines the conditions for the implementation of measures to improve the transport of persons with disabilities.

132. In line with article 25 of Ordinance No. 93-012 of 2 March 1993, the State budget will include provision for the adaptation of machinery and equipment and the improvement of workstations and access to places of work to enable the employment of persons with disabilities in State administrations and public and national institutions that are not of an industrial or commercial nature.

133. Notwithstanding the progressive ordinances mentioned above, no technical standards and guidelines have been adopted on accessibility or on mechanisms to monitor compliance and sanction infringements.

134. As a result, no institutions that are open to the public have been made accessible for persons with disabilities.

135. The Public Procurement Code does not specify any technical standards that must be included in the bidding documents for tenders for work to make facilities accessible for persons with disabilities.

136. To address these shortcomings, the ministry responsible for the advancement of persons with disabilities initiated a reform of the legislation on the rights of persons with disabilities. The reform led to the adoption of Decree No. 2010-637/PCSRD/MP/PF/PE of 26 August 2010 regulating the implementation of Ordinance No. 2010-028 amending Ordinance No. 93-012 and of Decree No. 2010-638/PCSRD/MP/PF/PE of 26 August 2010 on the establishment, organization, powers and functioning of the National Committee for the Advancement of Persons with Disabilities.

137. The implementing decree mentioned above stipulates that any facility or building open to the public, including premises used for educational, academic or training purposes, theatres or leisure facilities, hotels, restaurants, markets and health-care facilities shall be accessible to persons with disabilities and that spaces shall be reserved for persons with

disabilities in these locations and in car parking facilities. Articles 41 to 45 of Decree No. 2010-637 on implementing Ordinance No. 93-012 of 2 March 1993 sets the conditions for a better enjoyment of rights by persons with disabilities, including access to services, roads, housing and transport. These rights are extended to roadsides, which shall be constructed so that persons who use wheelchairs can move from one side of a road to the other with or without the assistance of a third person.

138. This legislation also contains provisions relating to buildings, which must be fully accessible from public pathways via ramps with a gradient not exceeding 5 per cent. Buildings of more than one storey must be equipped with elevators and metal or wooden ramps.

139. In line with article 9 of the Convention, other provisions are in place regarding the attributes of elevators, internal doors in multi-household buildings, and bedrooms, bathrooms, shower rooms, toilets and kitchens in houses.

140. The national committee established pursuant to Decree No. 2010-638 of 26 August 2010 ensures the implementation and monitoring of the regulations. Decree No. 2010-637 regulating the implementation of Ordinance No. 93-012 of 2 March 1993, as amended by Ordinance No. 2010-028, stipulates that the ministers responsible for social protection, health and planning must produce a progress report on the results achieved within two years.

141. Lastly, it should be noted that although the regulations impose specific obligations in connection with the promotion of the rights of persons with disabilities, they do not make provision for mechanisms to punish potential transgressors. This undoubtedly constitutes a shortcoming in that no punishments can be applied if they are not laid out in legislation.

142. In connection with access to new information and communication technologies, it should be noted that some persons with disabilities are benefiting from the development of these technologies, which create jobs at all skill and qualification levels. These technologies offer opportunities for independent living in society because they empower persons with disabilities, facilitate access to information, increase knowledge of social ills and raise awareness of rights.

143. The disaggregated results of the 2012 general population and housing census are not yet available, but a committee has been established to advocate for an inclusive census.

2.2.4 Right to life (art. 10)

144. The basic laws of the State accord to the human person the inalienable right to life. In the various Constitutions of the Niger, this principle has remained immutable. Articles 11 and 12 of the Constitution read as follows:

- Article 11: The human person is sacred. The State has an absolute obligation to respect and protect the human person.
- Article 12: Everyone has the right to life, health, physical and mental integrity, healthy and adequate food, drinking water, education and instruction under the conditions defined by law. The State guarantees for everyone the provision of basic needs and services and full development.

145. The Criminal Code of the Niger defines and punishes violations of the right to life, which is protected between conception and birth, in articles 237, 240, 241 and 295.

146. In the legal framework, the protection of life is guaranteed to all citizens without discrimination. No cases of violations of the right to life have been recorded with respect to persons with disabilities.

2.2.5 Situations of risk and humanitarian emergencies (art. 11)

147. In the Niger, there are several agencies and bodies that take action in situations of risk and humanitarian emergencies. The State has established a system composed of several bodies to oversee the activities of all national institutions working in the area of food security. These bodies include the 3N Initiative, the Food Crisis Unit, the social safety net

units, the early warning and disaster management system and the national mechanism for the prevention and management of food crises.

148. With regard to situations of risk, the Ministry for Population, the Advancement of Women and the Protection of Children undertakes a range of action for vulnerable persons in general and persons with disabilities in particular. Between 2008 and 2010, the Ministry provided CFAF 110 million in assistance or transfers in cash or in kind from the National Fund to Support Persons with Disabilities, which is financed from the national budget, to numerous persons with disabilities and members of their families in emergency situations, women suffering from obstetric fistula, schoolchildren with disabilities and individuals with chronic diseases.

149. The Ministry has also distributed specialized equipment to support the social and professional integration of persons with disabilities. These important actions complement the efforts of NGOs such as Handicap International, the PRAPS Project, Thiébon, the Care and Social Development Organization and Action for Women and Children with Disabilities.

150. With regard to humanitarian emergencies, the Food Crisis Unit for vulnerable groups ensures the protection and safety of persons with disabilities in situations of risk or humanitarian emergencies, including armed conflict, crises and natural disasters. The Unit coordinates the actions of various stakeholders, including the Government, donors and NGOs. It takes action during flooding and recently responded to the food crisis affecting the country. Persons with disabilities in the affected areas received the same support as other members of the population, as illustrated in the table below.

Table No. 9

Support for persons with disabilities provided by the Food Crisis Unit to regional offices of the Ministry for Population, the Advancement of Women and the Protection of Children, 2008-2010

	Support	
Regions	*In kind assistance*	*Financial assistance (CFAF)*
Maradi		2 115 000/Income-generating activities
Tahoua	14,550 tons of cowpeas, corn flour, 90 cartons of canned chicken, blankets and second-hand clothing	$35 000)
Tillabéri		750 000)
Niamey Urban Community	851 sacks containing 80 packets of corn, 2,345 sacks of wheat enriched with soybean, 1,185 bags of rice, 900 boxes of sardines, 800 boxes of tomatoes, 9 cartons of sugar, 52 sacks of cowpeas, 91 heads of cattle, 27 bales of second-hand clothing, 37 bales of blankets, 3 bales of children's clothing, T-shirts, gardening and kitchen equipment, pharmaceuticals	11 000 235

Source: Statistical data from the Ministry for Population, the Advancement of Women and the Protection of Children, 2010.

151. The Economic and Social Development Plan 2012-2015 took account of vulnerable groups, including persons with disabilities, under the "action for vulnerable groups" component.

2.2.6 Equal recognition before the law (art. 12)

152. National legislation recognizes the right of persons with disabilities to exercise their legal capacity on an equal basis with others in all aspects of life. Article 26 of the Constitution provides that "the State shall ensure equality of opportunity for persons with disabilities with a view to their advancement and/or social integration".

153. Persons with disabilities have equal rights in the areas of ownership or inheritance of property, control of their financial affairs, access to bank loans, mortgages and other forms of financial credit and arbitrary deprivation of property.

154. Protection measures exist for persons with mental or intellectual impairments who are unable to exercise their full legal capacity. Their property is administered by a guardian or an administrator of property under the supervision of a judge (articles 489 to 512 of the Civil Code).

2.2.7 Access to justice (art. 13)

155. This article recognizes the right of persons with disabilities to have effective access to justice in a fair trial on an equal basis with others.

156. The Government adopted the justice sector policy paper on 1 June 2009. To implement this policy, a four-year action plan has been developed with the support of partners including UNICEF and the European Union.

157. At the institutional level, the programme to support justice and the rule of law, supported by the European Union, has put in place an experimental programme for legal and judicial assistance in the regions of Zinder and Maradi. The aim of the programme is to guarantee protection for vulnerable persons, including minors, persons with disabilities and the poor. The pilot programme ran from 2009 to August 2010. The final evaluation report for the pilot programme has served as the foundation for the adoption of a legal framework, with the passing of Act No. 2011-42 setting out the eligibility criteria for access to legal and judicial assistance and creating a public administrative body known as the National Agency for Legal and Judicial Assistance. The Agency is intended to make legal and judicial assistance available to vulnerable people in the Niger in a sustainable manner.

158. Access to justice for persons with disabilities is considered an acquired right in terms of national legislation and the justice system, which place all citizens on an equal footing. Thus, persons with disabilities benefit from the services provided by the authorities on a par with other citizens. The effectiveness of access to justice in particular is ensured through specific measures tailored to their situation. In practice, the low income of persons with disabilities impedes their ability to access justice. The law determining the criteria for legal and judicial assistance and creating a public administrative body was adopted to address this shortcoming. This law is intended to make legal and judicial assistance available to vulnerable persons, including persons with disabilities.

159. To support the operational development of these legal and judicial assistance services, the action plan of the National Agency for Legal and Judicial Assistance makes provision for awareness-raising, information and training sessions for all staff working in the judicial system.

160. Article 404 (4) of the Code of Criminal Procedure provides that the assistance of a lawyer shall be compulsory when the defendant has an illness that may adversely affect his or her defence. This provision refers only to illness and does not therefore extend to all persons with disabilities.

2.2.8 Liberty and security of person (art. 14)

161. This article ensures that persons with disabilities enjoy the right to liberty and personal security and that they are not deprived of their liberty unlawfully or arbitrarily on the basis of the existence of a disability.

162. The Constitution recognizes for everyone the right to liberty and security under the conditions defined by law. There is no legislation in force allowing for persons with any form of disability to be placed in an institution or deprived of their liberty without their free and informed consent.

163. When persons with disabilities are deprived of their liberty, the common law prison regulations apply, in accordance with Decree No. 99-368/PCRN/MJ/DH of 3 September 1999 establishing the organization and internal regulations of prisons.

164. However, with regard to work undertaken by prisoners, article 81 of the Decree stipulates that convicted persons who have a disability are exempt from work.

2.2.9 Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

165. This article establishes the right of persons with disabilities not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment. These rights are part of the human rights set forth in the various Constitutions of the Niger. The current Constitution provides that no one shall be subjected to torture, slavery or cruel, inhuman or degrading treatment or abuse. Any individuals or State agents who commit acts of torture or cruel, inhuman or degrading treatment or abuse in the course of or in connection with the performance of their duties, either on their own initiative or when following orders, shall be punished in accordance with the law (article 14 of the Constitution of 25 November 2010).

166. In this regard, as in the case of all other citizens, medical or scientific experimentation and testing, including for HIV/AIDS, cannot be performed on persons with disabilities without their free and informed consent.

167. The Criminal Code also contains provisions criminalizing female genital mutilation (arts. 232 (1) to 232 (3)).

2.2.10 Freedom from exploitation, violence and abuse (art. 16)

168. This article provides for the protection of all persons with disabilities, especially children and women, from all forms of exploitation, violence and abuse, both within and outside the home.

169. Article 24 of the Constitution of the Niger provides that young persons shall be protected by the State and other public authorities against exploitation and abandonment. Similarly, the Criminal Code, which devotes a whole chapter to offences against the person, contains provisions for the punishment of all violations of physical integrity. These provisions, it must be emphasized, are of a general nature and not specifically aimed at persons with disabilities.

170. The realization of this right requires preventive action and the provision of care, rehabilitation and reintegration services for victims.

171. Children with disabilities enjoy the same rights as other children in the area of protection. The draft Children's Code also contains specific provisions on protection for children at risk or in danger.

172. Despite the existence of a favourable legal framework, social and cultural obstacles, such as parents sending their children out to beg, are an obstacle to the effective implementation of the law.

2.2.11 Protecting the integrity of the person (art. 17)

173. This article establishes the right of persons with disabilities to respect for their physical and mental integrity. In this regard, there are laws and regulations to protect the physical and mental integrity of the human person. The Criminal Code protects against assault and battery.

174. Through legal norms, the State has taken measures to protect all persons, without discrimination, against the administration of medical treatment without their free and informed consent.

175. These norms include Act No. 2007-08 of 30 April 2007 on the prevention, care and control of the Human Immunodeficiency Virus (HIV), which stipulates that HIV testing shall be voluntary, anonymous and confidential.

176. Other provisions exist to protect individuals against forced sterilization and forced abortion. To this end, article 2 of Act No. 2006-16 of 21 June 2006 on reproductive health provides that all individuals are equal in law and in dignity with regard to reproductive

health. The right to reproductive health is a fundamental universal right guaranteed to all human beings throughout their life, in all circumstances and wherever they may be.

177. Domestic courts are responsible for punishing non-compliance with the protective provisions contained in these instruments.

2.2.12 Liberty of movement and nationality (art. 18)

178. This article recognizes the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality.

179. With regard to freedom of movement, article 32 of the Constitution stipulates that the State recognizes and guarantees the freedom to come and go and the freedoms of association, of assembly, of procession and of demonstration, under the conditions defined by law.

180. The right to choose one's residence is governed by general provisions. Every person is free to choose his or her residence, although there are a few exceptions concerning married women and minors.

181. The Niger has legislation on nationality and civil status, namely Ordinance No. 84-33 of 23 August 1984 on the Nationality Code and its modifying texts and Act No. 2007-30 of 3 December 2007 governing civil status.

182. These texts do not contain any discriminatory provisions. Persons with disabilities enjoy equal rights to nationality and birth registration on the same basis as other nationals of the Niger.

183. As an example, the NGO Handicap International has facilitated the issuance of 107 birth certificates for persons with disabilities in Niamey.

2.2.13 Living independently and being included in the community (art. 19)

184. This article recognizes the rights of persons with disabilities to live independently and to participate in the community.

185. The national legal system guarantees for all persons with disabilities the full enjoyment of the right to live in society with the same freedom of choice as others. Persons with disabilities are fully integrated into society and have the opportunity to choose their place of residence and with whom they live. Article 26 of the Constitution provides that "the State shall ensure equality of opportunity for persons with disabilities with a view to their advancement and/or social integration." Our tradition of solidarity towards the most vulnerable enhances this integration.

186. Persons with disabilities can access social services and facilities and personal assistance on an equal basis with other vulnerable groups. The State is supported in this area by NGOs, associations, private agencies, humanitarian organizations and technical and financial partners.

187. In practice, social prejudices still exist against persons with disabilities, including within their own families. To address this issue, awareness-raising campaigns have been conducted in recent years to improve the population's perceptions of disability and persons with disabilities. The actions of health and social services, public and private media outlets, religious leaders, organizations of persons with disabilities and technical and financial partners are aimed at achieving the socioeconomic inclusion of persons with disabilities.

2.2.14 Personal mobility (art. 20)

188. This article recognizes the right of persons with disabilities to enjoy personal mobility with the greatest possible independence. In order to facilitate the personal mobility of persons with disabilities, article 33 of Ordinance No. 93-012 of 2 March 1993 determining the minimum rules for the social protection of persons with disabilities stipulates that the acquisition of any equipment, materials, prosthetic or orthotic devices and general articles required for functional or professional use by persons with disabilities, whether free of charge or paid for, shall be exempt from all taxes.

189. In the first instance, persons with disabilities in the Niger receive personal mobility assistance from family members, including children, spouses and other relatives, and guides for the blind. The State, organizations of persons with disabilities and charities help persons with disabilities to acquire mobility equipment and accessories (see Table No. 6). In rural areas, persons with disabilities have very limited access to mobility equipment.

190. In 2012 and 2013, the Niger National Union for the Blind trained 16 trainers in mobility and techniques for getting around.

Table No. 6

Mobility equipment and accessories received by persons with disabilities in the regions of Tillabéri, Dosso, Maradi and Niamey Urban Community

Type of equipment	*Number*	*Organization*
Tricycles	119/18/79	PRAHN Project/Thiébon/Action for Women and Children with Disabilities
Tricycles	115	Care and Social Development Organization
White canes	194	Niger National Union for the Blind
Orthopaedic prostheses	485	PRAHN Project and Niger Association of Persons with Motor Impairments
Corrective glasses	286	PRAHN Project, communal social services
Tricycles	50	SahelCom mobile telephony
Kits + CFAF 500,000 in telephone credit	50	SahelCom mobile telephony

Source: Statistical data, 2008-2010.

Challenges

191. The challenges faced by the Government and its partners in the acquisition of equipment stem from the scarcity and high cost of mobility aids.

2.2.15 Freedom of expression and opinion, and access to information (art. 20)

192. This article recognizes the right of persons with disabilities to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.

193. The rules governing the right to freedom of expression are applicable to all without discrimination. Freedom of opinion and access to information are reaffirmed for all citizens in the legislation in force in the Niger and are guaranteed in the national policy on communication for development.

194. National and international news is broadcast in sign language twice a week for persons who are deaf or hard of hearing.

195. The Higher Council for Communication is responsible for ensuring that the media respect protection requirements for children in general and for children with disabilities in particular in their publications.

196. Radio stations and libraries also disseminate information on the rights of persons with disabilities. The following data is available:

- Public and private radio stations: 35 (15 private). Once a week, the public radio outlet La Voix du Sahel broadcasts a special programme for persons with disabilities entitled *Eveil des personnes handicapées*. Handicap International funded a short radio programme to promote the rights of persons with disabilities, which was

broadcast for two months (November and December 2009) on national and private local radio stations.

- There are 51 libraries, none of which have any documents in Braille.

Challenges

197. While no particular difficulties are encountered by adults with disabilities in exercising their freedom of expression in public places, the same is not true for children with disabilities in the family and community environment. The persistence of traditional attitudes in these settings is not conducive to the full exercise of freedom of expression. According to these traditional views, children should passively follow the path of adults.

198. Owing to a lack of resources, the State has been unable to link up the country's network of community radio stations or to ensure effective oversight of the various sources of broadcast information.

199. The dissemination of information remains concentrated in urban areas, making it difficult for persons with disabilities to access information in rural areas. Access to information and channels of communication constitute another obstacle. Programming does not include broadcasts specifically aimed at persons with disabilities beyond the translation of information.

2.2.16 Respect for privacy (art. 22)

200. This article recognizes the right of all persons with disabilities to the protection of their private life, honour and reputation. In the Niger, respect for privacy without discrimination is ensured through the:

- Enshrinement of the principle of inviolability of the home in key legislation (Constitution, art. 27; Criminal Code, art. 271);
- Prosecution of any violation of the privacy of the home (Criminal Code, art. 271);
- Prosecution of illegal confinement and arbitrary arrest (Criminal Code, arts. 265 to 268).

201. Regulations in the Niger protect the confidentiality of the personal details and health- and rehabilitation-related information of persons with disabilities on an equal basis with others.

2.2.17 Respect for home and the family (art. 23)

202. This article recognizes the right of persons with disabilities to marry and to found a family, to decide freely on the number of children to have, and to retain their fertility on an equal basis to others.

203. The right of all persons of marriageable age to marry and found a family on the basis of the free and full consent of the intending spouses is recognized without discrimination. This fundamental right is reaffirmed in article 4 of Act No. 2006-16 of 21 June 2006 on reproductive health, which provides that "all persons who have reached the required legal age have the right to choose freely, responsibly and with due discernment to marry and start a family or not to marry".

204. The Act emphasizes the universality of the right to reproductive health. Thus, article 2 establishes that "all individuals are equal in law and in dignity with regard to reproductive health. The right to reproductive health is a fundamental universal right guaranteed to all human beings throughout their life, in all circumstances and wherever they may be. No person may be deprived of this right, which is to be enjoyed without discrimination of any kind as to age, sex, wealth, religion, ethnicity, marital status or other situation".

205. Like all other members of the community, persons with disabilities who are legally cohabiting have the right to information and education on the advantages, risks and effectiveness of all birth control methods, and to the necessary resources.

206. Regulations in the Niger recognize the rights and responsibilities of persons with disabilities with regard to guardianship, wardship, trusteeship and adoption of children. The best interests of the child are taken fully into account in all decisions made by the public authorities. Ordinance No. 99-11 of 14 May 1999 on the establishment, composition and mandate of juvenile courts gives juvenile judges jurisdiction in criminal matters and in the matter of protection. As regards protection, juvenile judges are empowered to decide on protective measures on behalf of children under 18 years of age whose health, safety or morals are at risk or who are living in circumstances that have a serious adverse impact on their upbringing. Measures of protection may also be ordered on behalf of children who have committed criminal offences.

2.2.18 Education (art. 24)

207. This article recognizes the right of persons with disabilities to education on the basis of equal opportunity, with access to an inclusive education system at all levels and to lifelong learning. In the Niger, there are three forms of education: special, integrated and inclusive. The State and its partners provide technical and material support to special schools for blind and deaf children in Niamey, Zinder and Maradi.

Table No. 7
Educational enrolment of persons with disabilities (2012/13)

Establishment	*Number*
Primary school	386
Lower secondary school	39 blind persons
Upper secondary school	10, all disabilities combined
Teacher-training college	14, all disabilities combined
University	78, all disabilities combined
National Civil Service and Judiciary Training School	3, all disabilities combined
Public Health and Social Action Training School	3 blind persons
Technical and Vocational Education and Training delivered in partnership with CBM	66 deaf or hard-of-hearing persons in various streams

Source: Niger National Union for the Blind and Niger Association for Pupils and Students with Disabilities, 2012/13.

208. Efforts have recently been made to establish and run integrated classes in Birnin Konni, Tahoua, Agadez, Maradi and Zinder. There are currently 27 such classes, of which 16 are for blind pupils and 11 are for deaf pupils.

209. Secondary and higher education are increasingly accessible to persons with visual impairments, in particular thanks to the Act on the Education System in the Niger (arts. 42 and 43).

210. Handicap International, in collaboration with other partners including UNICEF, takes censuses of children with disabilities of school age in the Niamey Capital District and promotes their enrolment in school.

211. To meet transcription needs, a Braille press has been opened at the Soly Abdourahamane school for blind children. In addition, a monthly newsletter entitled "*info braille*" is printed in 100 copies to facilitate blind persons' access to information.

212. With the same end in mind, the Ministry of Secondary and Higher Education and Scientific Research and the Niger National Union for the Blind have concluded a finance agreement to fund the Braille transcription of textbooks for pupils in years 7 to 10 (English

language books, audio-assisted reading, grammar, vocabulary, conjugation) in order to enable blind pupils to follow the school curriculum concurrently with their peers.

213. The National Union for the Blind is responsible for transcribing textbooks for pupils in years 1 to 6 into Braille.

214. Pupils and students with disabilities receive support from the State in the form of education allowances, student grants and installation grants for external students.

Statistical data

- The Niger Association for the Deaf trained 80 young deaf people in the 2008-2009 period.
- The Ministry of Education, through the Directorate for Primary Education, trained 1,500 teachers in Niamey in the provision of education to children with special educational needs and produced teaching aids with the financial support of Handicap International.
- Through its inclusive education project, Handicap International took a census of children with disabilities of school age in Niamey, finding there to be 4,568. It also established medical and social diagnoses for some of those children.

Difficulties encountered

215. Despite the progress made in terms of access to primary and lower secondary education, many children with disabilities (especially those who are blind or hard of hearing) do not have access to vocational training. This has significant repercussions with regard to the various dimensions of poverty. Such training can facilitate their access to the labour market and enable them to benefit from economic opportunities.

216. Special schools and integrated classes are currently facing all kinds of difficulties:

- Problems with access, accommodation (guardians) and transport arrangements for pupils with visual impairments;
- A shortage of specialized primary- and secondary-school teachers;
- Insufficient expenditure approvals granted to regional directorates of education to support special education;
- A complete lack of facilities for meeting the special educational needs of deaf secondary-school pupils at both the national and regional levels;
- A lack of synergy in the actions of the various partners in the field of special education (Ministry of Education, Ministry of Secondary and Higher Education and Scientific Research, Ministry for Population, the Advancement of Women and the Protection for Children, NGOs, organizations for persons with disabilities, local authorities, and municipalities);
- A lack of awareness among parents that they can and should send their children with disabilities to school;
- The failure to adopt a decree implementing article 43 of Act No. 98-12 of 1 June 1998 setting out the aims of the national education system;
- Inadequate follow-up in special schools and integrated classes.

2.2.19 Health (art. 25)

217. This article recognizes that persons with disabilities have the right to the enjoyment of the highest attainable standard of health, with access to health services, including health-related rehabilitation, that are gender-sensitive within their community and without financial cost.

218. In the Niger, there are several programmes to prevent disabling diseases, namely the Expanded Immunization Programme, the National Programme to Combat Blindness, the National Programme to Combat Leprosy, the National Programme to Combat Guinea-

Worm Disease, the Onchocerciasis Control Programme and the National Mental Health Programme.

219. Thanks to intensive national polio immunization day campaigns and the distribution of vitamin A and iron capsules, disabling diseases, in particular poliomyelitis, are being progressively eradicated. According to the third demographic and health survey and multiple indicator cluster survey, conducted in 2006, the proportion of children who were fully immunized rose from 18 per cent in 1998 to 29 per cent in 2006.

220. Decree No. 96-456/PRN/MSP of 28 November 1996, on a system for the provision of services by national hospitals, improved access to health care for persons with disabilities. Article 9 of the Decree provides that, in application of Ordinance No. 93-012 of 2 March 1993, setting the minimum rules for the social protection of people with disabilities, "persons with disabilities shall be exempt from the payment of hospital fees".

221. It should be pointed out, however, that the implementation of the Decree benefits only a minority of persons with disabilities living in Niamey. In addition to this specific piece of legislation, which represents a step forward in the promotion of the rights of persons with disabilities, measures have recently been taken to provide Caesarean sections, treatment for breast and cervical cancer, and care for children under 5 years of age free of charge.

222. Furthermore, through the ministry responsible for persons with disabilities, the municipal authorities and the community-based PRAHN Project, assistance and certificates attesting to financial hardship have been provided to persons with disabilities and/or their spouses.

223. The services offered by public health facilities, coupled with the treatment provided during NGO-run mobile campaigns and through the Special Programme of the President of the Republic, have made a significant contribution to increasing the number of people with access to health care (65 per cent of the population). Less than 1 per cent of the total resident population has a disability.

2.2.20 Habilitation and rehabilitation (art. 26)

224. There are several entities active in the implementation of habilitation and rehabilitation programmes for persons with disabilities. Orthopaedic wards in national hospitals, regional hospitals, Caritas Développement Niger and the NGO Action en Faveur des Enfants Handicapés (Action in Favour of Children with Disabilities) provide specialized orthopaedic and rehabilitation services to persons with disabilities.

225. The PRAHN Project involves the implementation of a community-based rehabilitation strategy, with technical and financial support from CBM. The PRAHN Project is the only vehicle for the implementation of a community-based rehabilitation strategy in the regions of Tillabéri and Dosso and in the Niamey Urban Community. The following significant results were achieved in the period 2008-2009:

- Income-generating activities: support for 1,350 women and 13 men with disabilities;
- Ophthalmology: 940 operations performed, mainly to remove cataracts;
- Orthopaedic physiotherapy: 40 operations performed;
- Orthopaedic devices: 178 distributed;
- Mental health: 1,503 patients with epilepsy (861 men and 642 women) treated and monitored;
- International conference on community-based rehabilitation attended by 100 participants, held with support of the Ministry for Population, the Advancement of Women and the Protection for Children.

226. Identification, awareness-raising, prevention, treatment and socioeconomic integration services are also provided under the Rehabilitation Project for Blind Persons and Other Persons with Disabilities in the Niger. This is an inclusive project in the sense that it not only deals with all aspects of the lives of persons with disabilities but also takes

into account the needs of all types of persons with disabilities as well as the gender dimension. Women with disabilities, and children with disabilities and their parents are the main group targeted by the Project's community-based rehabilitation strategy, because of their vulnerability.

2.2.21 Work and employment (art. 27)

227. This article recognizes the right of persons with disabilities to work and to gain a living by participating in a labour market and work environment that is open, inclusive and accessible, including for those who acquire a disability during the course of employment.

228. Article 10 of Act No. 2012-48 of 25 September 2012, establishing the Labour Code, stipulates that "all employers shall be required to reserve at least 5 per cent of their vacant positions for persons with disabilities when recruiting, in accordance with the conditions laid down in regulations". Between 2007 and 2012, 225 persons with disabilities were recruited into the civil service.

229. The national employment policy adopted by the Government in March 2009 recognizes the right of persons with disabilities to work, including their right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible.

230. NGOs are active in promoting the social and professional integration of persons with disabilities. For example, the NGO Thiébon has created a centre to introduce women to the family economy and a tricycle manufacturing workshop that employs three people.

231. In addition, thanks to support from the State and from technical and financial partners many persons with disabilities (young people, adults and/or their families) have received training and equipment and have been set up in business, either on their own or in a cooperative, in the trades of leathercraft, welding, sewing, dyeing, the manufacture of wire netting and floor cloths, among others.

Difficulties encountered

232. Owing to prejudices, persons with disabilities are exposed to discrimination on the basis of disability, particularly with regard to conditions of recruitment, hiring and employment. These negative perceptions are an obstacle to the enjoyment of the right to work and employment by persons with disabilities. The persistence of prejudices also undermines their right to continuance of employment on an equal basis with others. Prejudices are a source of various forms of discrimination in education, health care, social affairs and sport and constitute a barrier to the promotion of employment opportunities and to the fulf'lment of vocational aspirations and talents.

2.2.22 Adequate standard of living and social protection (art. 28)

233. This article recognizes the right of persons with disabilities to an adequate standard of living and to social protection. Social welfare services are provided mainly by the Ministry for Population, the Advancement of Women and the Protection for Children. The national social development policy, adopted in February 1999, aims to promote national solidarity and supports social justice, social protection, legal protection, social progress and social security for at-risk groups.

234. Since 2010, the Ministry has been developing a national social protection strategy to help the most vulnerable population groups in the Niger, including persons with disabilities, to better handle the various economic, social and environmental risks that they will face. At the same time, a national social protection policy was adopted on 16 September 2011. Persons with disabilities are taken into account in the programme for the policy's implementation.

235. Persons with disabilities in general benefit from the poverty reduction programmes launched by the Government. NGOs and associations, organizations for persons with disabilities, and technical and financial partners support the State's efforts to reduce poverty among target groups. For example, in the implementation of the poverty reduction programme funded through the Heavily Indebted Poor Countries Initiative, several

women's groups, including women with disabilities, have received credit to enable them to engage in small-scale commerce and in the farming of goats, sheep and dairy cattle, among others. There is a lack of specific data on persons with disabilities.

236. Regarding access to housing, under the PRAHN Project 86 plots have been acquired and transferred to persons with disabilities from the Koira Tégui neighbourhood (Commune II, Niamey), where the NGO Qatar Charity is also currently building 10 social housing units for persons with disabilities.

Difficulties encountered

237. Despite the efforts made by the State, NGOs and associations, persons with disabilities remain in a precarious situation owing to the limited resources of State bodies and civil society organizations and to sociocultural constraints.

2.2.23 Participation in political and public life (art. 29)

238. This article guarantees political rights to persons with disabilities. In the Niger, there are no legal obstacles to the enjoyment of the right to participate in political and public life by persons with disabilities, who take part in the activities of political parties, civil society organizations and national and international organizations of persons with disabilities. In the 2009 local and legislative elections, 10 candidates were blind or had locomotor disabilities. Persons with disabilities in the Niger are able to exercise their right to vote freely and are offered facilities to assist them in this regard.

239. However, there are issues related to the accessibility of polling stations and to the ease of understanding election materials, specifically because of a lack of ballot papers in Braille for persons with visual impairments.

2.2.24 Participation in cultural life, recreation, leisure and sport (art. 30)

240. This article recognizes the right of persons with disabilities to take part in cultural life; to develop and utilize their creative, artistic and intellectual potential; to recognition and support of their specific cultural and linguistic identity; and to participate in recreational, leisure and sporting activities on an equal basis with others.

241. Participation in cultural life, recreation, leisure and sport is a fundamental human right. The participation of persons with disabilities facilitates their social integration.

242. The right of every individual to free cultural, intellectual and sporting development is provided for in article 17 of the Constitution.

243. Whether alone or in a group, persons with disabilities display a certain passion for cultural, leisure and sporting activities. There are, for example, a number of sporting and cultural associations for persons who are blind or deaf and those who have locomotor or mental impairments.

244. The aims of the priority plan of action under the Strategy for Accelerated Development and Poverty Reduction include the implementation of actions to promote disability sport.

245. Incorporating the provisions of the aforementioned Strategy, the Economic and Social Development Plan contains several measures for the benefit of persons with disabilities, including "support for the specific actions of associations of persons with disabilities, strengthening the implementation of the Convention on the Rights of Persons with Disabilities and ensuring the effective enforcement of Ordinance No. 93-012 of 2 March 1993, setting the minimum rules for the social protection of people with disabilities".

246. Sporting activities are managed by the Niger Federation of Disability Sport, which was founded in October 1999 under the technical supervision of the ministry responsible for sport. The Federation, whose headquarters are at the Palais des Sports in Niamey, has fought, through its supervising ministry, to obtain access for persons with disabilities to the sports facilities at the Palais des Sports and the Stade Général Seyni Kountché.

247. The Federation has participated in several international sporting events, including the eighth All-Africa Games in Abuja, at which para-athletes from the Niger brought home four medals, including a gold, while their able-bodied counterparts won just one bronze medal. The para-athletes' performance enabled the Niger to achieve its best-ever position in the African standings: for the first time in its history, it ranked 18th out of 53 participating countries. In 2008, the Federation took part in the Beijing Olympics, though not without financial difficulties.

248. In 2009, three trainers were trained as part of a Handicap International inclusion project. Moreover, four physical education teachers received specialized disability sport training. The three trainers each ran 10 awareness-raising sessions at schools in the Niamey Urban Community. Once a census had been taken of the children with disabilities at the schools in question, the four teachers gave 24 physical education classes to those children. This sparked so much enthusiasm that all the other children now want to play with children with disabilities.

249. Bodies are in place to implement the national sports policy, namely the Ministry of Youth and Sports, and the Niger Federation of Disability Sport. The legal framework is provided by Act No. 98-14 of 1 June 1998, on the orientation, organization and promotion of physical and sporting activities.

250. In terms of human resources, the Ministry of Youth and Sports has provided the Niger Federation of Disability Sport with suitably qualified staff to run the programme, namely:

- A national technical director of disability sport;
- Two sports teachers specialized in disability sport, who serve as national trainers;
- Eight physical education and sports teachers appointed as regional technical advisers on disability sport.

Difficulties encountered

251. The Niger Federation of Disability Sport, like the other 19 sports federations in the country, has great difficulty in obtaining financial support from the State budget.

252. To remedy this shortcoming, it continues to develop partnerships with local businesses and with existing technical and financial partners. For example, Air Transport, a land transport company from the Niger, has signed an agreement with the Federation to offer a 50 per cent discount on its fares to the Federation's members and management team.

2.3 Specific situation of boys, girls and women with disabilities

2.3.1 Women with disabilities (art. 6)

253. This article recognizes the right of women and girls with disabilities to the full and equal enjoyment of all human rights and fundamental freedoms.

254. In the Niger, women with disabilities are one of the most marginalized groups in society owing to the cumulative effect of the disadvantages faced by women and persons with disabilities and the fact that they are disproportionately affected by poverty. Women and girls with disabilities are discriminated against by family members to a greater extent than men and boys with disabilities.

255. Available documentation and face-to-face interviews with persons with disabilities have revealed that women with disabilities are subjected to the most outrageous abuse and violations of their rights. They are considered to be asexual and are, for the most part, illiterate. Socially isolated, invisible, vulnerable and poor, they suffer from low self-esteem.

256. Despite the considerable efforts made by relevant actors, the challenges are many, and render the situation of women with disabilities worrying. This situation has arisen because of complex social problems, the limited capacity of State bodies and organizations of persons with disabilities, the scant interest shown in issues related to disadvantaged groups, and sociological constraints.

257. Against this background, the Millennium Development Goals of reducing poverty and improving health and access to education, among others, are unlikely to be achieved equitably if persons with disabilities remain excluded.

258. Moreover, to address all the needs listed above, the involvement of the community and of persons with disabilities themselves is essential.

259. Constraints on the promotion of the rights of women with disabilities include:

- Sociological constraints that confine women with disabilities in the Niger to a position of eternal subjugation;
- Illiteracy among women with disabilities (91 per cent of women are illiterate);
- The lack of consideration given to the roles, needs and responsibilities of women with disabilities in the Niger in economic and social development policies;
- The limited visibility of women with disabilities in associations;
- A lack of adequate childbirth equipment.

2.3.2 Children with disabilities (art. 7)

260. This article recognizes the right of children with disabilities to the full enjoyment of all human rights and fundamental freedoms. To implement this right, a number of special schools and integrated classes have been established at the national level and new NGOs involved in promoting care for children with disabilities have been created. The 2001 general population and housing census compiled data concerning persons with disabilities disaggregated by age group, type of disability, region and other factors.

261. A more exhaustive survey of persons with disabilities was carried out as part of the 2012 general census in order to obtain more precise figures for such persons and ensure that they have access to appropriate care. However, the data are not yet available.

262. A national education strategy for children with disabilities is being developed to promote education for children with special educational needs. The National Integrated Development Policy for Early Childhood and the National Health Care Development Plan, which are currently being drawn up, make provision for early childhood care and for assistance to pregnant women, thereby ensuring the rapid diagnosis of disabilities and adoption of the requisite measures.

263. The aim of the National Child Protection Policy adopted in 2009 was to ensure that, by 2013, the most vulnerable children (children with disabilities) had access to preventive services and high-quality care (institutions and community networks).

264. According to the 2001 general population and housing census, there are 29,005 persons with disabilities under 19 years of age in the Niger. The data in the following table are disaggregated by type of disability:

Table No. 8
Data concerning children with disabilities disaggregated by type of disability

Age group	Blind	Deaf	Deaf-mute	Upper limb deficiency	Lower limb deficiency	Mental retardation	Leprosy	Other disabilities	Multiple disabilities	Total
0-4	210	162	112	293	146	59	10	149	2 667	3 513
5-9	910	993	342	981	446	181	14	502	1 256	7 165
10-14	973	981	314	1 077	494	821	17	511	1 [illegible]	9 167
15-19	747	1 181	317	1 116	572	1 062	14	568	1 101	8 [illegible]

Source: 2001 general population and housing census.

264. According to the national survey on children with disabilities and children serving as guides for persons with disabilities undertaken in 2001 by the Ministry for Population, the

Advancement of Women and the Protection for Children, with funding from the NGO Plan International Niger, there are more than 23,000 children with disabilities in the Niger and more than 7,000 children serving as guides for persons with disabilities.

266. Children with disabilities are enrolled in regular schools, special schools or integrated classes, which are classes established specifically to accommodate children both with and without disabilities. The following tables provide figures for children enrolled in special schools and integrated classes in 2009/10.

Table No. 9

Children with disabilities enrolled in special schools

Establishment	Boys	Girls	Total
Niamey School for Blind Children	56	22	96
Niamey School for Deaf Children	78	57	135
Maradi School for Deaf Children	80	16	96
Zinder School for Deaf Children	52	29	81
Total	**202**	**143**	**345**

Source: National strategy for special education Ministry of Education, 2010

Table No. 10

Children with disabilities enrolled in integrated classes

Establishment	Boys	Girls	Total
Adamo School in Konni	4	5	9
Tandou School in Tahoua	6	2	8
Maradi Central School	5	3	8
Hamdallaye School in Zinder	5	5	10
Agadez Central School	4	2	6
Total	**24**	**17**	**41**

Source: National strategy for special education Ministry of Education, 2010

267. Despite the progress made in terms of access to primary and lower secondary education, many children with disabilities (especially those who are blind or hard of hearing) do not have access to vocational training. This situation has significant repercussions in terms of the factors contributing to poverty. As regards effective action to reduce poverty and, by extension, to enhance employment and vocational training opportunities, the only way to facilitate access to the labour market for persons with disabilities and to enable them to benefit from economic opportunities is to implement programmes tailored to their needs.

268. The following table shows the number of children who took part in a rehabilitation programme run under the PRAHN Project from 2006 to 2009.

Table No. 11

Number of children who took part in a rehabilitation programme run under the PRAHN Project

Year	Type of service	Number of beneficiaries
2006	Operated, rehabilitated	69 and 187
2007	Operated, rehabilitated	324

Year	*Type of service*	*Number of beneficiaries*
2008	Operated fitted with a prosthesis rehabilitated	433
2009	Operated fitted with a prosthesis rehabilitated	741

Source: PRAPH's Project, 2008–2009.

269. Between October 2008 and June 2010, the SOS Actions pour Femmes et Enfants Handicapés (Action for Women and Children with Disabilities), with support from UNICEF, provided 2,450 women and children with physical or mental disabilities with psychological counselling, medical care, functional rehabilitation, prostheses and economic capacity-building. Among these 2,450 persons with disabilities, 117 women received microcredit loans amounting to CFA francs 11,450,000, while 228 children, of whom 199 were girls, benefited from vocational training and literacy courses.

270. Between December 2009 and February 2010, thanks to financial support from UNICEF, the SOS Village d'Enfants Espoir Pour Handicapés (Help for Poor Persons with Disabilities) ran a training project for young persons with hearing, locomotor and mental impairments that encompassed literacy, sewing and the repair of radios, fans and mobile phones. The training cost CFA francs 3,500,000.

271. During the period 2008–2010, the SOS Action Développement Niger, funded by Action Germany, helped 195 children with disabilities through rehabilitation sessions and enrolled 85 young persons with disabilities in vocational training courses.

272. Obstacles to the promotion of the rights of children with disabilities include the tendency in the Niger to view certain disabilities as a source of shame. Children suffering from such disabilities are likely to be kept hidden by their parents. This situation makes it difficult to identify children who would benefit from the support of childcare facilities. This is the case for children with tetraplegia, who are referred to as mute children.

2.4 Specific obligations

2.4.1 Statistics and data collection (art. 31)

273. The article regulates data-collection processes. Statistical systems in the Niger are generally inadequate and thus not conducive to coherent decision-making. Gathering statistics on disability is even more difficult. Reliable data on disability would be a valuable tool for shaping relevant policies.

274. The Government of the Niger has made a firm commitment to improve the national statistical system by taking a number of alternative measures, including creating the National Institute of Statistics and its branches, as well as sectoral statistics directorates within the various ministerial departments.

275. The Ministry for Population, the Advancement of Women and the Protection for Children has insufficient social statistics, particularly for persons with disabilities, but has access to data collected by Handicap International and in the 2001 general population and housing census.

276. With support from UNICEF, Niger, the Ministry has launched a plan to collect statistical information on persons with disabilities. One of the objectives of the plan was to build a directory of existing socioeconomic entities for persons with disabilities (see Table No. 12 below).

Table No. 12
Distribution of socioeconomic centres for persons with disabilities by region

Administrative entity	*Number*
Niamey Urban Community	51
Tillabéri	6
Dosso	10
Tahoua	4
Agadez	6
Zinder	2
Diffa	1
Maradi	2
Total	**82**

Source: Directorate of Statistics, Ministry of Population and Social Reform, December 2008.

277. A total of 82 socioeconomic centres were identified at the national level: 51 in the Niamey Urban Community, 10 in Dosso, 6 in Tillabéri and Agadez, 4 in Tahoua, 2 in Zinder and Maradi, and only 1 in Diffa. All the statistical information on socioeconomic centres for persons with disabilities by region collected is now available for consultation.

Difficulties encountered

278. Statistical reports are not available in Braille, which limits the desire of blind persons to further their knowledge.

2.4.2 International cooperation (art. 32)

279. This article recognizes the importance of international cooperation in support of national efforts towards the realization of the purpose and objectives of the Convention.

280. Improving the living conditions of persons with disabilities is a global challenge and major development issue. Of the 80,035 persons with disabilities in the Niger, more than 80 per cent live in poverty in rural areas.

281. Several international initiatives are under way to improve the socioeconomic integration of persons with disabilities. In June 2010, a delegation from the Niger took part in a subregional disability forum organized by the West African Economic and Monetary Union (WAEMU). The aim of the meeting was to adopt an inclusive, multi-partner approach to strengthen and harmonize activities to promote the socioeconomic integration of persons with disabilities in the WAEMU subregion by means of a strategic plan for the period 2011-2013.

282. At the sectoral level, support has been provided by UNICEF, Handicap International and CBM. Moreover, the Niger National Union for the Blind has received financial support amounting to CFAF 11,800,000 from the United Nations Educational, Scientific and Cultural Organization to help to identify young blind girls in the Niger.

283. The main difficulties encountered are linked to the various actors withdrawing support and/or a shrinking of the budget allocated to the ministry concerned.

2.4.3 National implementation and monitoring (art. 33)

284. This article regulates the national application and follow-up of the Convention.

285. The ministry responsible for social welfare has established a national mechanism, with local branches, to monitor the implementation of the Convention, specifically a national committee and eight regional committees.

286. The aims of the national committee are to:

- Organize and coordinate the various activities undertaken to implement the Convention
- Draft a biennial national action plan on the implementation of the Convention
- Carry out information, education and communication campaigns among persons with disabilities and the public at large to disseminate the Convention widely
- Take stock of the situation in the different areas related to the Convention
- Conduct training on the Convention among various stakeholders (national and regional officials, organizations of persons with disabilities, civil society) to enhance their understanding of its provisions
- Coordinate the activities of the regional committees
- Produce a biennial activity report for submission to the Government and the United Nations, in accordance with article 35 of the Convention

287. Thanks to financial support from UNICEF, the ministry has provided training to 2 officials per region and 10 national officials, giving a total of 26 trainers on the Convention, who are tasked, in turn, with training the members of the regional committees.

288. The dissemination of the Convention in the eight regions of the Niger began in the fourth quarter of 2010 and is coordinated by the Directorate of Social Protection in collaboration with the Niger Federation of Persons with Disabilities. The materials used in the campaign include 1,000 copies of the Convention translated into national languages (Hausa and Zarma) and 100 copies of the Convention transcribed into Braille with funding from UNICEF.

289. Because of various difficulties currently impeding establishment of the regional committees, the Convention has not yet been widely disseminated. In fact, the national committee and the regional committees are as yet barely operational. The regional committees have still not been officially established and their members have not yet been trained owing to a lack of funding.

290. However, representatives of civil society are among the members of the committees and, in this capacity, should participate actively in promoting, protecting and monitoring the implementation of the Convention once the committees are fully operational.

291. The budget of the National Fund to Support Persons with Disabilities, which had been CFAF 40,000,000 since 2000, was reduced to CFAF 30,000,000 in 2010.

Conclusion

292. Based on the foregoing report, which presents the legislative and administrative measures and new policies adopted to implement the Convention, it is apparent that there was encouraging progress with regard to the rights of persons with disabilities in the Niger between 2008 and 2010. Legislative, administrative and judicial efforts have been made. These measures have made it possible to respond to certain challenges related to the promotion of the rights of persons with disabilities in recent years.

293. Significant progress has been achieved in terms of the health, education and legal protection of persons with disabilities. The different actors in the field of disability, including the Government, NGOs, associations of persons with disabilities and technical and financial partners, have strived to promote respect for the Convention.

294. However, an analysis of the reality of the situation of persons with disabilities in terms of all the provisions of the Convention reveals serious constraints on, and obstacles to, the effective implementation of the Convention. These difficulties are economic and sociocultural in nature.

295. Since it was ratified by the Niger in 2008, the Convention has aroused genuine interest, particularly among persons with disabilities, the State, the public, NGOs and development partners. Consequently, the gradual and irreversible endorsement of the Convention in the Niger gives cause for optimism as to its implementation.